

**Authorization to Construct a Sanitary Sewer Collection System under 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.), this general permit authorizes the construction of sanitary sewer collection systems including gravity sewer extensions, force mains, lift stations, pumping stations, storage basins considered part of the collection system, and inline storage.

After properly filing a Notice of Intent (NOI) under Condition 4, applicants that are eligible for coverage under this general permit will receive a Notice of Coverage (NOC), with a tracking number starting with ARCC, and a copy of the general permit for the site. The NOC includes the Division's determination that a site is covered under this general permit and may specify alternate requirements outlined in the general permit, such as additional best management practices for construction of sanitary sewers near waters of the state.

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

Applicability

1. This general permit authorizes the construction of sanitary sewer collection systems, including gravity sewer extensions, force mains, lift stations, pumping stations, storage basins considered part of the collection system, and inline storage.
2. This general permit does not apply to earthen storage basins or treatment components within the sanitary sewer collection system such as bar screens for solids removal and chemical addition.
3. The Division may require an applicant for this general permit or any permittee covered under this general permit to apply for and obtain an individual state construction permit.

Prerequisites

4. Submit a complete NOI, permit fee, and all required information to DEQ through SEEK (<https://seek.ee.arkansas.gov>) at least forty-five (45) days prior to the date coverage is desired.
5. For designated project review program submissions, submit a complete NOI, permit fee, approval statement from designated permit reviewer, and all required information to DEQ through SEEK at least twenty (20) days prior to the date coverage is desired.
6. Submit plans, specifications, and calculations, each signed, stamped, and dated by a professional engineer licensed in the State of Arkansas.
7. Submit signed, stamped, and dated certification by a professional engineer licensed in the State of Arkansas that the design of the system was prepared in accordance with Ten State Standards or an approved deviation. Deviation from Ten State Standards requires approval from the Division and may require an individual state construction permit.
8. Submit downstream sewer evaluation signed, stamped, and dated by a professional engineer licensed in the State of Arkansas.
9. Submit certification from the receiving wastewater treatment plant responsible official that the receiving wastewater treatment plant is permitted and has the available capacity to accept the wastewater.
10. Submit statement from the responsible official of the receiving wastewater treatment plant accepting responsibility for operation and maintenance of the proposed collection system upon completion of construction or if not the receiving wastewater treatment plant, the responsible entity for the operation and maintenance of the proposed collection system.

Permit Conditions

11. This general permit authorizes the construction and scope of work detailed in the plans and specifications submitted with the NOI.
12. The construction must be in accordance with the final plans and specifications approved by the Division. Revisions that affect capacity, flow, or system layout must be approved by the Division prior to construction through a modification.
13. The permittee must submit notification of the start of construction within fifteen (15) days after construction has begun.

14. Failure to begin construction within one (1) year of the effective date may result in termination of this authorization if a request for an extension is not submitted to the Division in a timely manner.
15. If the 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 8 CAR § 25-203 for stormwater discharge associated with a small construction site, as defined in 8 CAR pt. 25. 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. Best management practices must be implemented regardless of the size. Coverage under the Construction Stormwater General Permit may be obtained by submitting a complete NOI, permit fee, and all required information to DEQ through SEEK (<https://seek.ee.arkansas.gov>).
16. State and federal law does not permit discharge of raw wastewater; therefore, the permittee must take steps to ensure that raw wastewater does not discharge during construction. If a sanitary sewer overflow or bypass occurs, the permittee shall report the sanitary sewer overflow or bypass to the Office of Water Quality Enforcement Branch immediately at <https://adeq.state.ar.us/water/enforcement/>.
17. A Short Term Activity Authorization (STAA) is required for any activities in or near waters of the state that might cause a violation of Arkansas water quality standards. A STAA may be obtained by submitting a complete application, permit fee, and all required information to DEQ through SEEK (<https://seek.ee.arkansas.gov>). Additional information is available at <https://adeq.state.ar.us/water/planning/instream>.
18. The United States (U.S.) Army Corps of Engineers (ACE) may require a Clean Water Act Section 404 permit (404) and a DEQ Water Quality Certification (401) for the activities described in this general permit. If construction activity will disturb any land below the ordinary high water mark of jurisdictional waters of the U.S., then a 404/401 is required. Fulfillment of these requirements is necessary before construction under this general permit can begin. Since the COE makes determinations on what is jurisdictional, the permittee must contact the COE to determine permitting requirements. Information is available at <https://adeq.state.ar.us/water/planning/instream>.
19. Protection of drinking water supplies must meet the requirements of the Arkansas Department of Health.
20. Within thirty (30) days of completion of the construction authorized by this general permit, the permittee shall submit a Notice of Completion of Construction to the Division through SEEK certifying that the sanitary sewer collection system has been constructed 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 licensed in the State of Arkansas.
21. This general permit neither constitutes a NPDES nor a no-discharge permit nor guarantees or assumes that an application for a permit to operate the system will be approved or a permit will be issued.
22. Permittees are responsible for compliance with all applicable terms and conditions of this general permit. Receipt of this general permit does not relieve any operator of the responsibility to comply with any other applicable federal, state or local statute, ordinance, policy, rule, or regulation.
23. This general permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.
24. If this general permit is not re-issued or replaced prior to the expiration date, it will be administratively continued in accordance with Ark. Code Ann. § 8-4-203(m) and remain in force and effect. If permit

coverage was granted prior to the expiration date, the permittee will automatically remain covered by the continued permit until the earliest of:

- a. Re-issuance or replacement of this permit, at which time the permittee must comply with the conditions of the new permit to maintain authorization to construct the sanitary sewer collection system;
- b. Submittal of a Notice of Completion of Construction by the permittee and confirmation of termination by the Division;
- c. Issuance of an individual state construction permit for the sanitary sewer collection system construction;
- d. A formal permit decision by the Division to not re-issue this general permit, at which time the permittee must seek coverage under an individual state construction permit; or
- e. Notification from the Division that the permittee is no longer covered under this general permit.

**FACT SHEET AND SUPPLEMENTAL INFORMATION
FOR GENERAL PERMIT NUMBER ARCC00000**

For construction of sanitary sewer collection systems under the Sanitary Sewer Collection System State Construction Permit Number ARCC00000:

The issuing office is:

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

1. BASIS FOR PERMIT AND CONDITIONS

This general permit authorizes the construction of sanitary sewer collection systems including gravity sewer extensions, force mains, lift stations, pumping stations, storage basins considered part of the collection system, and inline storage in accordance with the notice of intent; plans, specifications, and calculations; and other required information submitted to DEQ for review. The issuance of this general permit and conditions is 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.), 8 CAR § 25-202, and 40 C.F.R. § 122.26. Ark. Code Ann. § 8-4-203(a) authorizes the Division to issue, continue in effect, revoke, modify, or deny permits for the installation, modification, or operation of disposal systems or any part of them.

This general permit will not exceed a term of ten (10) years.

Specific permit conditions and their sources are listed as follows:

Conditions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14 are self-explanatory.

Condition 15 is based on 40 C.F.R. § 122.26.

Condition 16 is based on Ark. Code Ann. §§ 8-4-203 and 8-4-217(b).

Condition 17 is based on Ark. Code Ann. § 8-4-234.

Condition 18 is based on Sections 404 and 401 of the Clean Water Act.

Conditions 19, 20, 21, 22, and 23 are self-explanatory.

Condition 24 is based on Ark. Code Ann. § 8-4-203.

2. DESIGNATED PROJECT REVIEW PROGRAM

A designated project review program means a permit program for which the technical review for the construction of sanitary sewer collection systems under this general permit is delegated to an approved entity.

a. Qualifications for the Designated Project Review Program

- (1) The municipality, publicly owned treatment works (POTW), or other approved entity must have a professional engineer licensed in Arkansas on staff or on retainer to review projects.

- (2) The municipality, POTW, or other approved entity must have no construction or engineering related Division enforcement action taken in the last three (3) years from the date of application for this program that have not been remedied to the Division's satisfaction.
- (3) The municipality, POTW, or other approved entity must have a standard set of specifications approved by the Division.
- (4) The municipality, POTW, or other approved entity must provide a written certification that design criteria utilized during the designated project review program reviews shall conform to Ten State Standards

b. Division Overview Procedures for Designated Entities

- (1) The Division may conduct a random technical review of any project at its discretion. If deficiencies are subsequently identified, the Division may re-evaluate the designated municipality, POTW, or other approved entity's application package and program approval.
- (2) If subsequent enforcement action is taken against the municipality, POTW, or other approved entity, the Division may rescind the designation approval. The municipality, POTW, or other approved entity may reapply when they can comply with the qualifications established above.

3. **PUBLIC NOTICE**

In accordance with 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.

4. **PERMIT FEE**

In accordance with 8 CAR § 12-302(b)(2), the fee for issuance of a state construction permit is \$500.

5. **SOURCES**

1. Arkansas Water and Air Pollution Control Act, Ark. Code Ann. § 8-4-101 et seq.
2. 2014 Edition of Recommended Standards for Wastewater Facilities (Ten State Standards).
3. 8 CAR Part 11, Administrative Procedures, as revised.
4. 8 CAR Part 12, Permit Fee Rules, as revised.
5. 8 CAR Part 21, Rule Establishing Water Quality Standards for Surface Waters of the State of Arkansas, as revised.
6. 8 CAR Part 25, Rules for State Administration of the National Pollutant Discharge Elimination System (NPDES), as revised.
7. Ark. Code Ann. §§ 8-4-203, 8-4-217(b), and 8-4-234.
8. 40 C.F.R. § 122.26.

6. ECONOMIC IMPACT

There will be minimal to no incremental costs associated with this general permit. The permit fees for construction of sanitary sewer collection systems will be paid to the Division instead of the Department of Health.

7. CONTACT PERSON

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

Katherine McWilliams

Phone: 501-682-5876

Email: EE.WaterComment@arkansas.gov