

**FACT SHEET
AND SUPPLEMENTARY INFORMATION
FOR GENERAL PERMIT ARG550000**

For issuance of the new General Permit for Onsite Wastewater Treatment Facilities for Domestic Wastewater located within the State of Arkansas, Permit Number ARG550000.

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1. Background

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

The permit name is being changed from “Individual Treatment Facilities Generating Only Domestic Waste” to “Onsite Wastewater Treatment Facilities for Domestic Wastewater”, and all references to “individual treatment facilities” were revised to “onsite wastewater treatment facilities”. This change was made to better clarify that this permit covers wastewater treatment systems, and to increase consistency with the Arkansas Department of Health’s (ADH’s) terminology for the types of treatment systems covered by this permit. Additionally, a definition of “Onsite Wastewater Treatment Facility” was added to Part 8 of the permit, which specifies that onsite wastewater treatment systems are used only for treatment of domestic wastewater.

The previous permit took effect on July 1, 2019, and expires on June 30, 2024.

2. Significant Changes

The permittee is responsible for carefully reading the renewal permit in detail and becoming familiar with all of the requirements therein. The following changes were made to the previously issued permit:

- 2.1** The permit name was changed from “Individual Treatment Facilities Generating Only Domestic Waste” to “Onsite Wastewater Treatment Facilities for Domestic Wastewater”, and all references to “individual treatment facilities” were revised to “onsite wastewater treatment facilities”. See Section 1 of this Fact Sheet for details.
- 2.2** The term “Operator”, when it was previously used with regards to a person, or entity, with primary management and ultimate decision-making responsibility of the facility, has been changed to “permittee” or “applicant” to clarify the difference between a permittee or applicant and a licensed wastewater operator.
- 2.3** Part 1.2.4 of the permit was updated to clarify that a licensed Class II or higher wastewater operator is required to operate and maintain the system.
- 2.4** The exclusions in Part 1.3 of the permit were updated. See Section 3.2 of this Fact Sheet for details.
- 2.5** The notification requirements in Part 1.4 of the permit were updated. Electronic applications are now required unless the permittee obtains an electronic reporting waiver. See Section 3 of this Fact Sheet for details.
- 2.6** The notification requirements in Part 1.4 of the permit were updated to clarify that ADH approval and a site map are only required for new dischargers or facilities with a change in outfall location or treatment system, and that an initial permit fee is required only for new dischargers. A link to ADH’s Onsite Wastewater website was added.
- 2.7** Part 1.4.2.4 was added to require submission of the most recent Maintenance Report Form for permittees recertifying coverage under this permit. See Section 6.8 of this Fact Sheet for details.
- 2.8** Part 1.5 of the permit was added regarding electronic reporting waivers.
- 2.9** Part 1.7 of the permit (NOI Review and Public Notification Process) was updated to be consistent with the language in other non-stormwater general permits.
- 2.10** Part 1.8 of the permit (Requiring an Individual NPDES Permit) was updated to be consistent with the language in other non-stormwater general permits, including addition of a condition regarding the Water Quality Management Plan, incorporation of the significant contributor of pollutants condition (formerly part of the exclusions condition), and addition of a condition regarding Timeliness.
- 2.11** Part 1.9 of the permit (Terminating Coverage) was updated to require electronic submittal.
- 2.12** The conditions regarding Continuance of the Expired General Permit and Permit Transfers were moved to Parts 4.12 and 7.2 of the permit, respectively.
- 2.13** Part 1.10 of the permit (Approval for New Treatment Systems) was updated. See Section 5.5 of this Fact Sheet for details.
- 2.14** The monitoring frequency for all parameters was reduced to once/year. See Section 4 of this Fact Sheet for details.

- 2.15** BOD₅ limits are expressed to 2 significant digits in accordance with “OWQ Guidelines for Decimal Places and Rounding Conventions in NPDES Permits” documented in a June 12, 2020 Interoffice Memorandum.
- 2.16** A condition that additional case-by-case parameters may be specified on NOCs was added to Part 2 of the permit. See Section 6.1.6 of this Fact Sheet for details.
- 2.17** A narrative condition regarding oil, grease, or petrochemical substances was added to Part 2 of the permit. See Section 6.3.1 of this Fact Sheet for details.
- 2.18** The requirements for maintenance reports were moved to Part 3.2 of the permit.
- 2.19** Part 3 (Other Conditions) was added to the permit. The standard conditions were moved to Parts 4 through 7 of the permit.
- 2.20** The operator requirements were moved to Part 3.1 of the permit.
- 2.21** A new condition regarding Best Management Practices (BMPs) was added as Part 3.3 of the permit. See Section 6.3.2 of this Fact Sheet for details.
- 2.22** Part 4.4 of the permit (Toxic Pollutants condition) was updated.
- 2.23** Part 4.5 of the permit (Civil and Criminal Liability) was updated.
- 2.24** The condition regarding State Laws was removed from Part 4 of the permit. This condition was redundant with Part 4.10 (Applicable Federal, State, or Local Requirements).
- 2.25** Part 4.10 (Applicable Federal, State, or Local Requirements) was updated to include additional types of requirements.
- 2.26** Part 5.1 of the permit (Proper Operations and Maintenance) was updated with a general statement regarding providing adequate operating staff. Specific operator and maintenance requirements are now in Part 3 of the permit.
- 2.27** Parts 5.4 (Bypass of Treatment Facilities) and 5.6 (Removed Substances) were updated.
- 2.28** Parts 6.1 (Representative Sampling) and 6.2 (Monitoring Procedures) were updated to be more generally applicable. Specific requirements regarding sampling and monitoring procedures are in Parts 2 and 3 of the permit.
- 2.29** Part 6.3 (Penalties for Tampering) was updated to be more consistent with the Arkansas Water and Air Pollution Control Act text.
- 2.30** Part 6.7 (Record Contents) was updated with additional required record information.
- 2.31** Parts 7.1 through 7.4 (Planned Changes, Transfers, Monitoring Reports, Twenty-Four Hour Reporting, and Other Noncompliance) were updated.

- 2.32** A new condition regarding Changes in Discharge of Toxic Substances for Industrial Discharges including Existing Manufacturing, Commercial, Mining, and Silvicultural Dischargers was added as Part 7.6 of the permit.
- 2.33** The Duty to Reapply condition (Part 6.7 of the previous permit) was removed. This condition was redundant with the reapplication requirements in Part 1.4.1.1 of the permit.
- 2.34** A new condition regarding Other Information was added as Part 7.11 of the permit.
- 2.35** Several definitions in Part 8 were updated for clarity or for consistency with Section 502 of the Clean Water Act, 40 C.F.R. § 122.2, or APC&EC rules. All monitoring parameter definitions except for Total Nitrogen were removed; these parameters are defined in the approved test methods in 40 C.F.R. § 136. Changed definitions include:
- 2.35.1 Act (removed)
 - 2.35.2 Administrator (removed)
 - 2.35.3 ADEQ (removed)
 - 2.35.4 Best Management Practices (added)
 - 2.35.5 Biochemical Oxygen Demand (removed)
 - 2.35.6 Bypass
 - 2.35.7 Clean Water Act
 - 2.35.8 Code of Federal Regulations (removed)
 - 2.35.9 Daily Discharge (added)
 - 2.35.10 DEQ or Division (replaces ADEQ)
 - 2.35.11 Direct Discharge (removed)
 - 2.35.12 Director
 - 2.35.13 Dissolved Oxygen (removed)
 - 2.35.14 Domestic Wastewater
 - 2.35.15 Estimate Flow Measurement
 - 2.35.16 Facility (removed)
 - 2.35.17 Fecal coliform bacteria (removed)
 - 2.35.18 NOI (added)
 - 2.35.19 Operator (removed)
 - 2.35.20 Pollutant(s) of concern (added)
 - 2.35.21 Process wastewater
 - 2.35.22 Sanitary sewage (removed)
 - 2.35.23 Severe property damage (added)
 - 2.35.24 Standard Methods (removed)
 - 2.35.25 Total Maximum Daily Load (added)
 - 2.35.26 Total Nitrogen
 - 2.35.27 Total Phosphorus (removed)
 - 2.35.28 Total Suspended Solids (removed)
 - 2.35.29 Units of Measure
 - 2.35.30 col/100 ml (added) – This definition allows for measurements in MPN/100 ml to be reported as col/100 ml. See Section 6.1.3 of this Fact Sheet for details.
 - 2.35.31 Upset (added)
 - 2.35.32 Visible Sheen (added)

2.35.33 Waters of the State (added)

3. Permit Coverage

This general permit covers discharges from both proposed and existing individual treatment systems that generate less than 1500 gallons per day of domestic waste only, except facilities which are excluded in Part 1.3 of the general permit. These facilities shall be designed, installed, and operated with written approval from the Arkansas Department of Health (ADH).

3.1 Notice of Intent (NOI)

Dischargers seeking to be covered by the general permit must submit a written Notice of Intent that meets the criteria in 40 C.F.R. § 122.21. All deadlines for submission have been established to provide staff with sufficient time to review and process all requests for coverage.

In accordance with the NPDES Electronic Reporting Rule, DEQ is now requiring electronic submission of permitting documents for this general permit. Permittees who are unable to submit documents electronically must apply for a waiver, as detailed in 40 C.F.R. §127.15 and Part 1.5 of the permit.

3.2 The exclusions were updated as follows:

- 3.2.1 The exclusion for facilities discharging into impaired waterbodies were revised to be applicable for any pollutant of concern that is present in the discharge, and to allow for coverage if the requirements of the permit are adequate to provide sufficient reduction of the listed pollutant.
- 3.2.2 The exclusion for facilities discharging into Outstanding Resource Waters (ORWs) was revised to remove the reference to “direct discharges”. Facilities that discharge in close proximity to ORWs may be excluded from this permit if DEQ determines that there is reasonable potential for the discharge to affect the water quality in the ORW.
- 3.2.3 The exclusion for facilities discharging into waters for which there is an established Total Maximum Daily Load (TMDL) and Waste Load Allocation (WLA) for a pollutant limited in the permit was revised to allow coverage if the permit limit is restrictive enough for the facility to meet the TMDL and WLA requirements.
- 3.2.4 A new exclusion was added for facilities that the Director determines is, or is reasonably expected to be contributing to a water quality standard or is operating in violation of APC&EC Rule 2, as amended.
- 3.2.5 The exclusion condition regarding non-domestic waste was updated to clarify that the exclusion is of facilities receiving wastewater other than domestic wastewater, as defined in Part 8 of the permit.
- 3.2.6 The exclusion of facilities that the Director determines to be a significant contributor of pollutants was moved to Part 1.8 (Requiring an Individual Permit).

4. Monitoring and Reporting Requirements

The requirements for sample type have been based on the current permit.

The sample frequency has been reduced from once/six months to once/year.

Regulations for individual treatment units issued by ADH require the permittee to enter into a maintenance agreement with the vendor or other qualified person to ensure that the treatment unit functions satisfactorily throughout the life of the unit and remains capable of meeting effluent limitations. Pre-approved treatment systems covered by this permit meet NSF/ANSI 40 standards and have undergone extensive testing to demonstrate that they are capable of producing a high quality effluent when properly operated and maintained. These systems discharge a maximum of 1,500 gallons per day (GPD), and ADH requires setbacks from property lines for the discharge point. The discharge from these treatment works is usually intermittent and varies according to the water use pattern in the home or business being served. When these systems discharge, the effluent may infiltrate into the soil immediately below the discharge point or it may persist in the receiving water course for a very short distance, typically less than 100 yards, except during wet weather.

Considering the above factors, DEQ has determined that reduced monitoring frequency and increased oversight of system maintenance is appropriate for the treatment systems covered under this permit.

5. Other Requirements

5.1 Geographic Area and Covered Facilities

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

5.2 Timing of Requests

Requests for coverage shall be submitted as follows:

- 5.2.1 For new dischargers, at least 30 days prior to the first proposed discharge; or
- 5.2.2 For existing dischargers, no later than 30 days prior to the effective date of the permit.

5.3 Expiration Date

In accordance with 40 C.F.R. § 122.46(a), the general permit will expire 5 years from the effective date of the permit. An expired permit will continue in effect until such a time that the permit is renewed or a new permit is issued.

5.4 Individual Permits

The Director of DEQ may consider the issuance of individual permits according to the criteria in 40 C.F.R. § 122.28(b)(3).

5.5 Approval for New Treatment Systems

Pre-approved onsite wastewater treatment systems for this permit have been tested to meet NSF/ANSI 40 Standards. The NSF testing data is reviewed by DEQ staff to ensure the systems are capable of meeting the permit limits. A supplemental disinfection unit is required if disinfection is not included in the system. Re-aeration may be required if testing data indicates that it is necessary for the system to consistently meet the permit DO limit; re-aeration can either be built into the system or added as a supplemental unit. Other systems may be approved on a case-by-case basis.

Part 1.10 of the permit was updated to clarify that pre-approval of systems for general use under the permit does not require ADH approval. ADH approval for each facility is still required as part of the application requirements as detailed in Part 1.4.2 of the permit.

Part 1.10.2 was added to the permit to clarify that new treatment systems can be approved for general use or on a site-specific basis, and that systems approved on site-specific basis may be subject to additional requirements specified on the NOC.

6. Development and Basis for Permit Conditions

Conditions in Parts 3 through 7 are incorporated in the permit based on 40 C.F.R. § 122.41, 40 C.F.R. § 122.43, 40 C.F.R. § 122.62, 40 C.F.R. § 124.5, 40 C.F.R. § 136, 40 C.F.R. § 122.44(d), 40 C.F.R. § 122.44(l), Appendix D of the Continuing Planning Process (CPP), APC&EC Rule 2, and APC&EC Rule 3 in order to provide and ensure compliance with all applicable requirements of the CWA, rules, and regulations.

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

<u>Effluent Characteristics</u>	<u>Discharge Limitations</u>		<u>Monitoring Requirements</u>	
	Concentration (mg/l, else specified)		Frequency	Sample Type
	Monthly Avg.	Daily Max.		
Flow (GPD) ¹	Report	Report	once/year	estimate ²
Biochemical Oxygen Demand (BOD ₅)	10	15	once/year	grab
Total Suspended Solids (TSS)	15.0	22.5	once/year	grab
Dissolved Oxygen (DO)	6.0 (Inst. Min.)		once/year	grab
Fecal Coliform Bacteria (FCB) ³	(colonies/100 ml)		once/year	grab
	200	400		
pH ⁴	<u>Minimum</u> 6.0 s.u.	<u>Maximum</u> 9.0 s.u.	once/year	grab
If applicable: ⁵				
Total Phosphorus (TP) ⁶	Report	Report	once/year	grab
Total Nitrogen (TN) ^{6,7}	Report	Report	once/year	grab
Specified on NOC ⁸	Specified on NOC	Specified on NOC	Specified on NOC	Specified on NOC

1. Flow must be reported in units of gallons per day (GPD).
2. Defined in Part 7 of this general permit.
3. For FCB, the Monthly Avg. limit is a Monthly Geometric Mean, and the Daily Max. limit is a 7-day Geometric Mean.
4. pH shall be measured within fifteen (15) minutes of sampling.
5. Conditional reporting requirements will be specified on the facility's NOC if applicable.

6. If the facility discharges to a waterbody listed in the most recent 305(b) report as Category 3 due to insufficient data to complete the nutrient assessment, the permittee must monitor and report TP and TN.
7. Total Nitrogen is the sum of Total Kjeldahl Nitrogen and Nitrate + Nitrite Nitrogen.
8. Determined on a case-by-case by DEQ.

6.1 Biochemical Oxygen Demand (BOD₅) and Total Suspended Solids (TSS)

Limits for BOD₅ and TSS are based on Rule 6.401(A) and are continued from the previous permit.

6.2 Dissolved Oxygen (DO)

DO limits are based on Water Quality Standards in Rule 2.505 and are continued from the previous permit. Because this permit allows for discharges throughout the state, the DO limit was set at the most stringent ecoregion standard of 6.0 mg/l.

6.3 Fecal Coliform Bacteria (FCB)

The limits for FCB are based on Water Quality Standards in Rule 2.507 and are continued from the previous permit. In order to allow for flexibility in sampling times, the permit limit is based on the primary contact recreation standards year-round, instead of requiring separate samples for the primary and secondary contact recreation seasons.

FCB limits are expressed in colonies per 100 milliliters (col/100 ml). Approved FCB methods in 40 C.F.R. § 136 include both colony count methods and most probable number (MPN) methods. Any approved FCB method in 40 C.F.R. § 136 may be used for the purpose of demonstrating compliance with the FCB limits and conditions of the permit. A definition of col/100 ml was added to Part 8.22.1 of the permit to clarify that results in MPN/100 ml may be reported as col/100 ml.

6.4 pH

The limits for pH are based on Water Quality Standards in Rule 2.504 and are continued from the previous permit.

6.5 Total Phosphorus (TP) and Total Nitrogen (TN)

Conditional monitoring for TP and TN has been continued from the previous permit for discharges to receiving streams listed in the most recently approved 305(b) report as Category 3 (insufficient data to complete assessment) for nutrients since domestic waste is a source of nutrients.

6.6 Other Case-by-Case Parameters

DEQ may specify additional sampling requirements and/or permit limits on the NOC if necessary to demonstrate that water quality criteria will be maintained in the receiving stream. In some cases, a facility may be subject to a Waste Load Allocation (WLA) for a parameter not normally limited by this permit, or discharging into a receiving water that is impaired for a parameter not normally limited by this permit that there is reasonable potential for an onsite wastewater treatment system to discharge. In these situations, additional sampling requirements and/or permit limits may be adequate to demonstrate that water quality criteria will be maintained in the receiving stream. Otherwise, individual NPDES permit coverage may be required as detailed in Part 1.8 of the permit.

6.7 Oil and Grease

A narrative condition regarding Oil and Grease was added to Part 2 of the permit based on the Water Quality Standards in Rule 2.510. Domestic wastewater may contain cooking oils and greases; these can be managed by BMPs to limit the amount of oils and greases introduced into the treatment system.

6.8 Maintenance Reports

The requirement for filling out quarterly maintenance report form is continued from the previous permit. Quarterly maintenance checks by a Class II or higher wastewater operator are necessary to ensure that the system is operating properly.

A new requirement was added to submit the most recent Maintenance Report when recertifying coverage under this permit. This requirement was added to provide assurance that the treatment system is being properly maintained.

6.9 Best Management Practices (BMPs)

A requirement to implement BMPs was added as Part 3.3 of the permit. BMPs include maintenance checks, include the removal of accumulated sludge from the treatment system as needed, and may include recommended practices from the owner's manual for the treatment system and/or other practices to prevent or reduce pollution of waters of the State.

BMPs provide additional assurance that the treatment system is being properly operated and maintained.

6.10 Anti-backsliding

This permit is consistent with the requirements to meet Anti-backsliding provisions of the Clean Water Act (CWA), Section 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.

6.11 Limits Calculations

The daily maximum limits for BOD₅ and TSS are based on Section 5.4.2 of the Technical Support Document for Water Quality-based Toxics Control:

$$\text{daily maximum limits} = \text{monthly average limits} \times 1.5$$

The 7-day average limit for FCB is based on Rule 2.507. In order to allow for flexibility in sampling times, the permit limit is based on the primary contact recreation standards year-round, instead of requiring separate samples for the primary and secondary contact recreation seasons.

7. Wastewater Operator Requirements

Wastewater operator requirements were moved from Part 5 (Operation and Maintenance of Pollution Controls) to Part 3 (Other Conditions). The timeframe for notifying DEQ of a change in operator was revised from “immediately” to “within 30 days”. The operator requirements were updated to clarify that Class II is the minimum required license (i.e. Class III or Class IV operators would also be eligible).

The minimum Class II wastewater operator requirement is based on the requirements of APC&EC Rule 3.

8. Public Notice, Meeting, and Hearing

The public notice of the draft permit was published for public comment on June 18, 2023. The last day of the comment period was thirty (30) days after the publication date. No public comments were received on the draft permit.

A copy 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 Arkansas Department of Parks, Heritage, and Tourism, the EPA, and the Arkansas Department of Health.

9. Economic Impact

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

A permit fee of \$200 is allowed by APC&EC Rule 9, and is waived for individual homeowners.

For facilities with case-by-case monitoring requirements, the sampling may result in additional cost. However, these facilities would otherwise be required to obtain coverage under an Individual NPDES Permit, which would have the same or greater sampling costs.

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

10. Contact Information

For additional information regarding this permit, please contact the NPDES Permits Section of the Office of Water Quality:

via mail at:

NPDES Permits Section
Office of Water Quality
Division of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118

via phone at (501) 682-0656; or

via email at water.permit.application@adeq.state.ar.us.

11. Sources:

- 11.1 40 CFR § 122
- 11.2 40 CFR § 124
- 11.3 40 CFR § 136
- 11.4 APC&EC Rule 2
- 11.5 APC&EC Rule 3
- 11.6 APC&EC Rule 6, which incorporates by reference certain federal regulations included in Title 40 of the Code of Federal Regulations at Rule 6.104.
- 11.7 APC&EC Rule 8
- 11.8 APC&EC Rule 9
- 11.9 ARG550000 existing permit
- 11.10 .Discharge Monitoring Reports (DMRs) submitted by the facilities covered by the existing ARG550000 Permit.
- 11.11 33 U.S.C. § 1251 *et seq.*, *i.e.* Clean Water Act (CWA).
- 11.12 Arkansas Water and Air Pollution Control Act (Ark. Code Ann. § 8-4-101 *et seq.*).
- 11.13 Arkansas Code Annotated (A.C.A.) § 8-4-203.
- 11.14 Continuing Planning Process (CPP)
- 11.15 Technical Support Document for Water Quality-based Toxic Control.
- 11.16 NPDES Electronic Reporting Rule (80 FR 64063).
- 11.17 “OWQ Guidelines for Decimal Places and Rounding Conventions in NPDES Permits” documented in a June 12, 2020 Interoffice Memorandum.