

**AUTHORIZATION TO DISCHARGE AND CONSTRUCT 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 Pollution Control Act (Act 472 of 1949, as amended, Ark. Code Ann. 8-4-101 et seq.), and the Clean Water Act (33 U.S.C. 1251 et seq.),

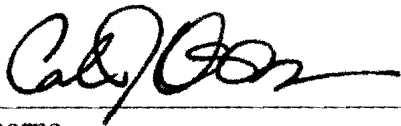
**Discharging Car/Truck Wash Facilities**

are authorized to discharge Car/Truck washwater as defined in Part 7 to all receiving waters in the State of Arkansas except as stated in Part 1.3. in accordance with effluent limitations, monitoring requirements, and other conditions set forth in this permit. Construction permitting as required by Arkansas Pollution Control and Ecology Commission (APC&EC) Regulation 6.202 is also authorized by this permit.

After properly filing a Notice of Intent under Part 1.4, facilities that are eligible for coverage under this general permit, will receive a Notice of Coverage (NOC) letter, with a tracking number starting with ARG75, and a copy of the permit for the facility. The NOC letter includes ADEQ's determination that a facility is covered under this general permit and may specify alternate requirements outlined in the permit, such as modified sampling frequencies for certain parameters or the inclusion of monitoring for parameters in addition to those requiring regular monitoring. Facilities that do not receive an NOC are not authorized to discharge under this general permit.

Effective Date: December 1, 2019

Expiration Date: November 30, 2024



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2.15.19

Issue Date

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## **PART 1: COVERAGE UNDER THIS PERMIT**

**1.1. Permit Area:** The area covered by this permit includes all areas within the State of Arkansas.

### **1.2. Eligibility and Authorization**

1.2.1 This general permit covers construction and discharge from Car/Truck Wash facilities that contain a treatment system provided that the following conditions have been met:

1.2.1.1. the treatment system has been constructed in accordance with the terms and conditions of state construction permitting requirements contained in APC&EC Reg. 6.202 and requirements listed in part 1.4.4 of this permit. All new or revised treatment system plans, specifications, and calculations shall be stamped and signed by a Registered Professional Engineer in the State of Arkansas;

1.2.1.2. the permit limits discussed in Part 2 are met;

1.2.1.3. the facility uses the appropriate Best Management Practices (BMPs), Part 1.8, for the facility; and

1.2.1.4. The operator of this wastewater treatment facility shall be licensed as a Basic Industrial Operator by the State of Arkansas in accordance with Arkansas Pollution Control and Ecology commission Regulation (Reg.) 3. New Permittees shall meet this requirement prior to permit application.

1.2.2 This general permit covers discharges from Car/Truck Wash facilities that do not contain a treatment system provided that the following conditions have been met:

1.2.2.1. the facility does not use any type of detergents, soaps, or other cleaning agents,

1.2.2.2. the permit limits discussed in Part 2 are met, and

1.2.2.3. the facility uses the appropriate Best Management Practices (BMPs), Part 1.8, for the facility.

1.2.3 Applicants for this permit must submit a complete Notice of Intent (NOI) or Recertification NOI to ADEQ to discharge under this general permit, as stated in Part 1.4.

1.2.4 Facilities within the State of Arkansas discharging from outfalls as described in this permit, must be authorized to discharge by either this general permit or an individual NPDES permit.

### **1.3 Exclusions**

Although this general permit does not cover the types of discharges listed below, other permits such as an individual NPDES permit, an alternate general permit or other approval from ADEQ may be required. This permit does not authorize the following Car/Truck washwater discharges:

1.3.1 discharge from Engine Washing, Acid/Caustic/Metal Brightener Washing, or Steam/Heated

**Water Washing;**

- 1.3.2 discharge that ADEQ has determined to be or which may reasonably be expected to be contributing to a violation of a water quality standard;
- 1.3.3 discharge from cleaning the interior of bulk carriers;
- 1.3.4 discharge from washing oil and gas exploration and production waste or residuals hauling vehicles, municipal solid waste hauling vehicles, and livestock trucks;
- 1.3.5 discharge containing substances that cannot be addressed by or would not be adequately detected by the effluent limits in this permit;
- 1.3.6 discharge from facilities not in compliance with a previously issued individual permit, general permit, or in violation of state water quality regulations and which cannot demonstrate the ability to comply with this permit;
- 1.3.7 discharge mixed with any other process water except for Allowable Non-stormwater Discharges provided by ADEQ Permit ARR00000, Part 1.6;
- 1.3.8 discharge from any facility covered under a National Pollutant Discharge Elimination System (NPDES) individual permit or other NPDES general permits, and switching to coverage by this permit would violate the anti-backsliding requirements of 40 C.F.R. 122.44(1);
- 1.3.9 direct discharges into Extraordinary Resource Waters (ERWs), Ecologically Sensitive Waters (ESWs), Natural and Scenic Waterways, losing streams, and reservoirs where pollutants of concern are present in the discharge and the limitations and conditions of the permit are not protective of Water Quality Standards as listed in Reg. 2 or do not meet the limits as established in Reg. 6 for each use listed above;
- 1.3.10 discharges to waterbodies listed pursuant to Section 303(d) of the Clean Water Act, or listed in a Total Maximum Daily Load (TMDL) Report where the pollutant of concern is present in the discharge and the requirements of the permit are inadequate to provide sufficient reduction of the listed pollutant.

**1.4 Notification Requirements**

- 1.4.1. In order to discharge under this general permit, operators of Car/Truck Wash facilities located within the state of Arkansas must submit the following items to ADEQ:
  - 1.4.1.1. a Notice of Intent (NOI) or Recertification NOI;
  - 1.4.1.2. a statement that the facility will meet or was constructed in accordance with construction permitting requirements contained in APC&EC Reg. 6.202 and part 1.4.4 of this permit, if the facility contains a treatment system for the Car/Truck washwater;
  - 1.4.1.3. a site map indicating the location of the facility, treatment areas, and outfalls;
  - 1.4.1.4. a Disclosure Form as required by Reg. 8.204, and;

1.4.1.5. a permit fee as required by Reg. 9.404.

1.4.2. The NOI shall include the following minimum information:

1.4.2.1. the legal name and legal address of the operator;

1.4.2.1.1. If the legal permittee is a corporation, then the corporation's name must be listed as it is registered with the office of the Secretary of State of Arkansas. The legal permittee must be in Good Standing with the Secretary of State of Arkansas.

1.4.2.1.2. If the legal permittee's state of incorporation is any state other than Arkansas, a Certificate of Good Standing from that state should be submitted with the NOI

1.4.2.2. the facility location (street address or legal description);

1.4.2.3. name and telephone number of the facility contact;

1.4.2.4. number and location of outfalls along with coordinates;

1.4.2.5. name of receiving stream; and

1.4.2.6. actual or projected wastewater flow (gallons per day).

1.4.2.7. All notices of intent for coverage under this general permit must be signed and certified by the Responsible Official as described in Section 6.8.1 and in accordance with the provisions of 40 CFR 122.22, as adopted by reference in Reg. 6.

1.4.2.8. An NOI form can be obtained at the following link or by requesting an NOI form from the NPDES Permit Section:

<https://www.adeg.state.ar.us/water/permits/npdes/nonstormwater/pdfs/arg750000/noi.pdf>

1.4.3. Requests for Coverage shall be submitted as follows:

1.4.3.1. For existing discharges already covered under the General Permit (ARG750000), an NOI (or Recertification) and all necessary information must be submitted by the effective date of this permit;

1.4.3.2. For new discharges, information listed in Part 1.4.1 and 1.4.4 (if applicable) must be completed and submitted to ADEQ no later than thirty (30) days prior to date coverage is desired.

All NOIs for permit coverage under this general permit will be reviewed by ADEQ prior to undergoing a public notification process as follows:

Upon receipt of Notice of Intent (NOI), ADEQ will review the submitted documents to ensure that all permit requirements are fulfilled. ADEQ may request additional information from the applicant if additional information is necessary to complete the NOI. If ADEQ

makes a preliminary determination that the NOI is complete, the NOI will be made available for a five (5) business day public review and comment period on the ADEQ website. ADEQ will review comments received during this period and, if necessary, require the applicant to revise the NOI. If determined appropriate by ADEQ, the operator will be granted coverage under this general permit upon written notification by ADEQ as provided by Section 1.4.7.

Comments will only be considered if they regard a specific facility's NOI. Comments on the contents of the General Permit ARG750000 will not be considered during the public comment period for a specific facility's coverage under this permit.

#### 1.4.4. Construction requirements

- 1.4.4.1. Any facility with existing coverage under this permit that will require the construction of a new treatment system or modified system components to the treatment system will require the submission of ADEQ Form 1 and design, plans, and specifications stamped by a Professional Engineer registered in the State of Arkansas in accordance with Regulation 6.202; and
- 1.4.4.2. The treatment plant structures, electrical, and mechanical equipment shall be protected from physical damage by the one hundred (100) year flood. Treatment plants should remain fully operational and accessible during the twenty-five (25) year flood. This requirement applies to new construction and to existing facilities undergoing major modification in accordance with Section 51.2 of the Ten State Standards; and
- 1.4.4.3. The outfall structure must be designed in accordance with Section 55 of the Ten State Standards; and
- 1.4.4.4. An additional \$500 fee is required based on Regulation 9.402(A) to enact the construction portion of this permit.
- 1.4.4.5. Upon receipt of all required construction plans and ADEQ Form 1, ADEQ will review the submitted documents to ensure that all permit requirements are fulfilled. ADEQ may request additional information from the applicant if additional information is necessary to complete a construction permit application. If ADEQ makes a preliminary determination that the application is complete, the submitted materials will be made available for a five (5) business day public review and comment period on the ADEQ website. ADEQ will review comments received during this period and, if necessary, require the applicant to revise the construction application. If determined appropriate by ADEQ, the operator will be granted construction coverage under this general permit upon written notification by ADEQ.

#### 1.4.5. The application for coverage must be submitted by one of the following methods:

- 1.4.5.1. Prior to December 21, 2020, applications for coverage can be mailed to the following address;

Arkansas Department of Environmental Quality

Office of Water Quality, Permits Branch  
5301 Northshore Drive  
North Little Rock, AR 72118

- 1.4.5.2. Prior to December 21, 2020, applications for coverage can be submitted by email to [Water.Permit.Application@adeq.state.ar.us](mailto:Water.Permit.Application@adeq.state.ar.us); or
- 1.4.5.3. Apply online at <https://eportal.adeq.state.ar.us>.
- 1.4.6. No permit coverage will be issued (new, renewal, or recertification) until all ADEQ permit fees have been paid including any delinquent fees.
- 1.4.7. For facilities that are eligible for coverage under the general permit, ADEQ will send a Notice of Coverage (NOC) to the facility. The NOC provides the permittee ADEQ's formal determination that a facility is covered under this general permit. ADEQ may specify alternate requirements outlined in the permit such as modified sampling frequencies for certain parameters or the inclusion of additional monitoring parameters. These alternate requirements will be listed in in the NOC. The NOC also includes the permit tracking number which starts with ARG75, outfall coordinates, issue date, and expiration date.

## **1.5 Requesting General Permit Coverage**

The operator excluded from coverage by this general permit solely because the facility already has an individual NPDES permit may request that the individual permit be terminated and that the discharge be covered by this general permit. In order to avoid conflict with the "anti-backsliding" provisions of the Clean Water Act (CWA), a permit transfer will be allowed only if the individual permit does not contain numeric water quality-based limitations for the discharge. (Note that a simple pH range limit would not necessarily have to be considered a water-quality based limit unless developed to address known discharge problems at a particular facility. Compliance with the numeric limitations under the individual permit may also be criteria for eligibility to transfer from an individual NPDES permit to the general permit.)

## **1.6 Requiring an Individual NPDES Permit**

- 1.6.1 At the discretion of the Director, ADEQ may require any operator covered under this general permit to apply for and obtain an individual NPDES permit for reasons that include but are not limited to the following:
  - 1.6.1.1. The discharger is a significant contributor of pollution;
  - 1.6.1.2. The discharger is not in compliance with the conditions of the general permit;
  - 1.6.1.3. Conditions or standards have changed so that the discharger no longer qualifies for a general permit;
  - 1.6.1.4. effluent limitation guidelines (ELGs) are promulgated, for point sources currently covered under this general permit, that are more stringent than the requirements of this general permit; or
  - 1.6.1.5. ADEQ does not renew this general permit.



- 1.6.2 The permittee must be notified in writing that an application for an individual NPDES permit is required. The permittee will remain covered under the general permit, including an administratively continued general permit (see Part 3.14), until an individual NPDES permit is issued, as long as the permittee submits a complete application for an individual NPDES permit, and any other required information, in a timely manner. When an individual NPDES permit is issued to a permittee for a discharge covered under this general permit, the permittee shall submit a NOT.
- 1.6.2.1 Timeliness - Should ADEQ determine at any point that the permittee has not submitted or responded to the permitting process or requests for information in a timely manner, ADEQ will provide a final notice in writing setting a a reasonable time/period for the permittee to complete the necessary application(s) or supplementary material to complete processing. After that time ADEQ may terminate the continued coverage and may terminate the review of any incomplete permit application in accordance with permitting procedures identified by Regulation 8.
- 1.6.3 Any operator covered by this general permit may request to be excluded from the coverage by applying for an individual NPDES permit.

## **1.7 Terminating Coverage**

- 1.7.1 A facility covered by this permit must submit an NOT within thirty (30) days after one of the following conditions have been met:
- 1.7.1.1 All discharges authorized by this permit are eliminated, and all wastes and residuals are removed; or
- 1.7.1.2 Coverage under an Individual NPDES Permit, or alternative general permit, for all discharges authorized by this permit is obtained.
- 1.7.2 A facility covered by this general permit shall adhere to the requirements of this general permit until notified by ADEQ that the facility is no longer covered by this general permit regardless of the submission of an NOT.
- 1.7.3 An NOT form can be obtained by contacting the NPDES Permits Section of the Office of Water Quality to have one sent to the permittee or at the following link:

[https://www.adeg.state.ar.us/water/permits/npdes/nonstormwater/pdfs/arg\\_not.pdf](https://www.adeg.state.ar.us/water/permits/npdes/nonstormwater/pdfs/arg_not.pdf)

## **1.8 Best Management Practices**

A facility should use Best Management Practices (BMPs) to help reduce the amount of contaminated runoff from a facility into Waters of the State. While ADEQ does not require that particular BMPs be used at a facility, it is strongly recommended that a facility ensure that contaminated runoff does not enter a Water of the State through use of BMPs. The following is a list of several Best Management Practices (BMPs) that may be used at a facility. By no means are these the only BMPs that can be used at a facility. The BMPs chosen by a facility should be documented with paperwork associated with coverage under this general permit.

- 1.8.1 Spills of fluids other than those associated with normal Car/Truck washing activities shall

be cleaned up expeditiously and not allowed to enter the waste treatment system or Waters of the State.

- 1.8.2 When any activity ancillary to the Car/Truck washing activity is performed on site, such as automotive maintenance activities, they shall be performed in a manner to prevent pollutants from entering the waste treatment system or Waters of the State.
- 1.8.3 Wash areas should be located on well-constructed and well-maintained impervious surfaces (i.e., concrete or plastic) with drains piped to the treatment system or outfall. The wash area should extend for at least four (4) feet on all sides of the vehicle to trap all overspray. Enclosing wash areas with walls and properly grading wash areas prevents dirty overspray from leaving the wash area, allowing the overspray to be collected from the impermeable surface.
- 1.8.4 The impervious surfaces should be marked to indicate the boundaries of the washing area and the area draining to the designated collection point. To minimize chemical transport in Car/Truck washwater runoff, washing areas should not be located near uncovered vehicle and/or equipment repair areas or chemical storage facilities.
- 1.8.5 Regular cleaning of wash areas and grit traps or catch basins can minimize or prevent debris such as paint chips, dirt, cleaning agents, chemicals, and oil and grease from being discharged into storm drains or injection wells.
- 1.8.6 Be knowledgeable of new and demonstrated technology. Suppliers and vendors now consider environmental issues when designing and manufacturing their products.
- 1.8.7 New operations at the site should be grade to prevent stormwater from entering the sediment pits and oil/water separators.
- 1.8.8 Facilities with treatment systems should use only biodegradable, low-phosphate and low-surfactant content, water-based cleaners. Whenever possible, avoid the use of halogenated compounds, aromatic hydrocarbons, chlorinated hydrocarbons, petroleum-based cleaners or phenolics. Cleaning agents containing solvents and emulsifiers should be discouraged because they allow oil and grease to flow through the oil/water separator instead of being separated from the effluent. (The presence of these substances can be checked in the SDS sheets for each cleaner).
- 1.8.9 At wand washes, post signs which state that the wash area is for washing Car/Truck exteriors only and that other maintenance or cleaning activities such as oil changes and engine cleaning is prohibited. (Engine cleaning is prohibited in Car/Truck wash bay areas because this activity will remove oil and dirt from the engines that could enter Waters of the State.)
- 1.8.10 Post signs that inform the public to not pour wastes into drains, into surface water, or onto the ground.
- 1.8.11 Post signs that inform the public to not hose down spills with water.
- 1.8.12 Store materials such as detergents, other cleaning agents and machinery lubrication oils and greases in proper containers and identified with an appropriate SDS compliant label. An up-

to-date SDS should be available for each product and employees should be knowledgeable of their content and how to access them at any time.

1.8.13 Store flammable and combustible materials in fireproof cabinets or drums.

1.8.14 Maintain an appropriate distance between different chemicals to prevent cross contamination and chemical reactions.

**PART 2: EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

OUTFALL 001 – The permittee is authorized to discharge from outfall number 001. Such discharges shall be limited and monitored by the permittee as specified below:

<u><b>Effluent Characteristics</b></u>	<u><b>Discharge Limitations</b></u>		<u><b>Monitoring Requirements</b></u>	
	Concentration (mg/l, unless otherwise specified)		Frequency	Sample Type
	Monthly Avg.	Daily Max		
Flow <sup>1</sup> (gpd)	Report	Report	Twice/week	Instantaneous
Chemical Oxygen Demand (COD)	50.0	75.0	Once/quarter	Grab
Total Suspended Solids (TSS)	35.0	53.0	Once/quarter	Grab
Oil and Grease (O&G)	10.0	15.0	Once/quarter	Grab
Dissolved Oxygen (DO)	6.0 (Inst Min.)		Once/quarter	Grab
pH	<u>Minimum</u> 6.0 s.u.	<u>Maximum</u> 9.0 s.u.	Once/month	Grab
Surfactants <sup>2</sup>	Report	Report	Once/quarter	Grab
Phosphorus, Total <sup>2</sup>	Report	Report	Once/quarter	Grab

<sup>1</sup> Flow must be monitored and reported. Report in units of gallons per day (gpd).

<sup>2</sup> Monitor only if detergent, soaps, or other cleaning agents are being used. Please see Part 1.8.8.

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There shall be no discharge of distinctly visible solids, scum or foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: at the outfall 001, following the final treatment unit or following the final BMP used.

## **PART 3: GENERAL CONDITIONS**

### **3.1 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 or for requiring a permittee to apply for an individual NPDES permit. **Any values reported in the required monitoring reports which are in excess of the effluent limitation specified in Part 2 shall constitute evidence of violation of such effluent limitation and of this permit.**

### **3.2 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.

### **3.3 Permit Actions**

This general permit may be modified, revoked and reissued, or terminated for cause in accordance with the requirements of the National Pollutant Discharge Elimination System (NPDES) Permit Program Regulations at 40 CFR Parts 122 and 124, as adopted by reference in Reg. 6. 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.

### **3.4 Toxic Pollutants**

Notwithstanding Part 3.3, if any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under APC&EC Reg. 2 (Arkansas Water Quality Standards), 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 standard or prohibition and the permittee so notified.

The permittee shall comply with effluent standards or prohibitions established under APC&EC Reg. 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.

### **3.5 Civil and Criminal Liability**

Except as provided in permit conditions on "Bypassing" (Part 4.4), and "Upsets" (Part 4.5),

nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

### **3.6 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 under Section 311 of the Clean Water Act.

### **3.7 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.

### **3.8 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 injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

### **3.9 Severability**

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision 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.

### **3.10 Permit Fees**

The permittee shall comply with all applicable permit fee requirements for wastewater discharge permits as described in Reg. 9 (Fee Regulation). 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 122.64 and 124.5 (d), as adopted in Reg. 6 and the provisions of Reg. 8.

### **3.11 Permit Applicability**

The permit is applicable only to facilities which are direct discharges into "Waters of the State" as defined in 40 CFR 122.2 and are subject to the requirements of Section 301 and Section 402 of the Clean Water Act.

### **3.12 Applicable Federal, State or Local Requirements**

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

### **3.13 Reopener Clause**

In accordance with 40 CFR Part 122.62(a)(2), the permit may be modified, or alternatively,

revoked and reissued, if new information is received that was not available at the time of permit issuance that would have justified the application of different permit conditions at the time of permit issuance.

### **3.14 Continuance of the Expired General Permit**

If this 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 in 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:

- 3.14.1 Renewal or replacement of this permit, at which time the permittee must comply with the conditions of the new permit to maintain authorization to discharge;
- 3.14.2 Submittal of a Notice of Termination by the permittee and ADEQ confirmation of termination;
- 3.14.3 Issuance of an individual permit, or other general permit, for the facility's discharges;
- 3.14.4 A formal permit decision by the ADEQ to not re-issue this general permit, at which time the permittee must seek coverage under an individual permit or other general permits, if available (See Part 1.6.2 for additional information); or
- 3.14.5 Notification from ADEQ that the facility is no longer covered under this permit.

## **PART 4: OPERATION AND MAINTENENCE OF POLLUTION CONTROLS**

### **4.1 Proper Operation and Maintenance**

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. 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.

### **4.2 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 or lost, or when an alternate power supply fails.

### **4.3 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, the environment, or the water receiving the discharge.

### **4.4 Bypass of Treatment Facilities**

#### **4.4.1 Bypass not exceeding limitation**

4.4.1.1 The permittee may allow any bypass to occur which does not cause effluent limitation 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 Part 4.4.2 and 4.4.3

#### **4.4.2 Notice**

4.4.2.1 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.

4.4.2.2 Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part 6.4 (24-hour notice).

#### **4.4.3 Prohibition of bypass**

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



- 4.4.3.1.1 Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - 4.4.3.1.2 There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
  - 4.4.3.1.3 The permittee submitted notices as required by Part 4.4.2.
- 4.4.3.2 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 4.4.3.1.

#### **4.5 Upset Conditions**

- 4.5.1 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 4.5.2 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.
- 4.5.2 Conditions necessary for a 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:
- 4.5.2.1. An upset occurred and that the permittee can identify the specific cause(s) of the upset;
  - 4.5.2.2. The permitted facility was at the time being properly operated;
  - 4.5.2.3. The permittee submitted notice of the upset as required by Part 4.4.2; and
  - 4.5.2.4. The permittee complied with any remedial measures required by Part 4.3.
- 4.5.3 Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

#### **4.6 Removed Substances**

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of waste waters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering the Waters of the State. Written approval for such disposal must be obtained from the ADEQ.

#### **4.7 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.

## **PART 5: MONITORING AND RECORDS**

### **5.1 Representative Sampling**

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken 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 and approval of the Director. Intermittent discharges shall be monitored.

### **5.2 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.

### **5.3 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 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.

### **5.4 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.

### **5.5 Reporting of Monitoring Results**

40 CFR 127.11(a)(1) and 40 CFR 127.16(a) require that monitoring reports 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://netdmr.epa.gov>. Permittees who are unable to file electronically may request a waiver from the Director in accordance with 40 CFR 127.15, as detailed below. Monitoring results obtained during the previous monitoring period shall be summarized and reported on a DMR dated and submitted no later than the 31st day of the month, following the completed reporting period beginning on the effective date of the permit.

To obtain a waiver for electronic reporting, contact the Enforcement Branch of the Office of Water

Quality at (501) 682-0615. If the electronic reporting requirement is waived, the paper DMRs are to be submitted to ADEQ prior to the 25<sup>th</sup> day of the month following the reporting period at the following address:

Arkansas Department of Environmental Quality  
Enforcement Branch, Office of Water Quality  
5301 Northshore Drive  
North Little Rock, AR 72118

## **5.6 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 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 summary report. Such increased frequency shall also be indicated in the summary report.

## **5.7 Retention of Records**

The permittee shall retain records of all monitoring information, including daily logs, 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 request coverage under this permit, for a period of at least three (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.

## **5.8 Record Contents**

Records and monitoring information shall include:

- 5.8.1 The date, exact place, time, and methods of sampling or measurements;
- 5.8.2 The individuals(s) who performed the sampling or measurements;
- 5.8.3 The date(s) analyses were performed;
- 5.8.4 The individual(s) who performed the analyses;
- 5.8.5 The analytical techniques or methods used; and
- 5.8.6 The measurements and results of such analyses.

## **5.9 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:

- 5.9.1 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;
- 5.9.2 Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

- 5.9.3 Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- 5.9.4 Sample, inspect or monitor, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act and/or Arkansas Water and Air Pollution Control Act, any substances or parameters at any location.

## **PART 6: REPORTING REQUIREMENTS**

### **6.1 Planned Changes**

The permittee shall give notice and provide plans and specification to the Director for review and approval prior to any planned physical alterations or additions to the permitted facility.

Any change in the facility discharge (including the introduction of any new source or significant discharge or significant changes in the quantity or quality of existing discharges of pollutants) must be reported to the permitting authority. In no case are any new connections, increased flows, or significant changes in influent quality permitted that cause violation of the effluent limitations specified herein.

### **6.2 Transfers**

Facilities that are authorized under this permit, which undergo a change in ownership, facility name, or signatory authorization (i.e., a new cognizant official or responsible official) must submit a Permit Transfer Form to the Director. A Permit Transfer Form can be obtained from the General Permits Section of the Office of Water Quality at the following website:

<https://www.adeg.state.ar.us/water/permits/npdes/nonstormwater/>

For an ownership change (i.e. permittee change), a Permit Transfer Form and a Disclosure Statement must be received by ADEQ a minimum of 30 days prior to the date of transfer to the new permittee. Until the Permit Transfer Form and Disclosure Statement are submitted and accepted by ADEQ, the current permittee shall remain liable for permit compliance and all permit fees, even if the current permittee no longer owns the facility.

### **6.3 Monitoring Reports**

Monitoring results shall be reported at the intervals and in the form specified in Part 5.5. **Discharge Monitoring Reports must be submitted even when no discharge occurs during the reporting period.**

### **6.4 Twenty-four Hour Reporting**

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 a description of the noncompliance and its cause; 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; and steps taken or planned to reduce, eliminate, and prevent reoccurrences of the noncompliance. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

The following information must be reported within 24 hours:

- 6.4.1 Any unanticipated bypass which exceeds any effluent limitation in the permit; and

6.4.2 Any upset which exceeds any effluent limitation in the permit.

## **6.5 Other Noncompliance**

The permittee shall report all instances of noncompliance not reported under Parts 6.3 and 6.4 at the time monitoring reports are submitted. The reports shall contain the information listed at Part 6.4.

## **6.6 Changes in Discharge of Toxic Substances for Industrial Discharges**

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

- 6.6.1 That any activity has occurred or will occur which would result in the routine or frequent discharge 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 122.42(a)(1).
- 6.6.2 That any activity has occurred or will occur which would result in any non-routine or infrequent discharge 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).

## **6.7 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.

## **6.8 Signatory Requirements**

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

6.8.1 All permit applications shall be signed as follows:

- 6.8.1.1 For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
  - 6.8.1.1.1 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; or
  - 6.8.1.1.2 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.

- 6.8.1.2 For a partnership or sole proprietorship: by a general partner or proprietor, respectively; or
- 6.8.1.3 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:
  - 6.8.1.3.1 The chief executive officer of the agency, or
  - 6.8.1.3.2 A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
- 6.8.2 All reports required by the permit and other information requested by the Director shall be signed by a person as described in Part 6.8.1, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - 6.8.2.1 The authorization is made in writing by a person described in Part 6.8.1;
  - 6.8.2.2 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); and
  - 6.8.2.3 The written authorization is submitted to the Director.
- 6.8.3 Changes to authorization. If an authorization under Part 6.8.2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part 6.8.2 of this section must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.
- 6.8.4 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.”

## **6.9 Availability of Reports**

Except for data determined to be confidential under 40 CFR Part 2 and Reg. 6, all reports prepared

in accordance with the terms of this permit shall be available for public inspection at the offices of the Department of Environmental Quality. As required by the Regulations, the name and address of any permit applicant or permittee, permit applications, permits and effluent data shall not be considered confidential.

#### **6.10 Penalties for Falsification of Reports**

The Arkansas Water and Air Pollution Control Act provides that any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained under this permit shall be subject to civil and/or criminal penalties specified in Part 3.2 under the authority of the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended).



## PART 7: DEFINITIONS

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

- 7.1 **"Act"**: the Clean Water Act, Public Law 95-217 (33.U.S.C.1251et seq.) as amended.
- 7.2 **"ADEQ"**: the Arkansas Department of Environmental Quality. ADEQ is the governing authority for the National Pollutant Discharge Elimination System program in the State of Arkansas.
- 7.3 **"Administrator"**: the Administrator of the U.S. Environmental Protection Agency.
- 7.4 **"APCEC"**: the Arkansas Pollution Control and Ecology Commission.
- 7.5 **"Applicable effluent standards and limitations"**: 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.
- 7.6 **"Applicable water quality standards"**: all water quality standards to which a discharge is subject under the federal Clean Water Act and which have 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 Reg. 2, as amended, (regulation establishing water quality standards for surface waters of the State of Arkansas).
- 7.7 **"Best Management Practices (BMPs)"**: schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- 7.8 **"Bypass"**: the intentional diversion of waste streams from any portion of a treatment facility.
- 7.9 **"Car/Truck washwater"**: the washwater from the exterior of a car, truck, SUV, van, heavy equipment (dozers, backhoes, etc.), lawn equipment, and/or recreational vehicles (ATVS, motorcycles, personal watercraft, small boats, etc.).
- 7.10 **"COD"**: Chemical Oxygen Demand. A measure of the oxygen-consuming capacity of inorganic and organic matter present in water.
- 7.11 **"CWA"**: the Clean Water Act or the Federal Water Pollution Control Act.
- 7.12 **"Daily Discharge"**: 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. For pollutants with limitations expressed in terms of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the sampling day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the sampling day. "Daily discharge" determination of concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are

used, the "daily discharge" determination of concentration shall be the arithmetic average (weighted by flow value) of all the samples collected during that sampling day.

- 7.13 **"Daily Maximum"**: discharge limitation means the highest allowable "daily discharge" during the calendar month.
- 7.14 **"Department"**: the Arkansas Department of Environmental Quality (ADEQ).
- 7.15 **"Direct Discharge"**: is the direct discharge of wastewater into a waterbody. Overland discharge is not considered direct discharge.
- 7.16 **"Director"**: the Director of the Arkansas Department of Environmental Quality.
- 7.17 **"Dissolved Oxygen"**: the amount of free (not chemically combined) oxygen dissolved in water, wastewater, or other liquid, usually expressed in milligrams per liter, parts per million, or percent of saturation.
- 7.18 **"Eligible"**: qualified for authorization to discharge process water under this general permit.
- 7.19 **"gpd"**: gallons per day
- 7.20 **"Grab sample"**: an individual sample collected in less than 15 minutes.
- 7.21 **"mg/l"**: milligrams per liter; it is essentially equivalent to parts per million in dilute aqueous solutions.
- 7.22 **"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 shall be submitted by the 25<sup>th</sup> of the month following the sampling. Where the monitoring requirement for an effluent characteristic is Quarterly, Semi-Annual, Annual, or Yearly, the Discharge Monitoring report shall be submitted by the 25<sup>th</sup> of the month following the monitoring period end date.
- 7.23 **"Monthly Average"**: discharge limitation meaning the highest allowable average of "daily discharges(s)" over a calendar month, calculated as the sum of all "daily discharges(s)" measured during a calendar month divided by the number of "daily discharges(s)" measured during that month.
- 7.24 **"National Pollutant Discharge Elimination System (NPDES)"**: the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under section 307, 402, 318 and 405 of the Clean Water Act.
- 7.25 **"NOI"**: Notice of Intent to be covered by this permit.
- 7.26 **"NOT"**: Notice of Termination.
- 7.27 **"Operator"**: for the purpose of this permit, means any person (an individual, association, partnership, corporation, municipality, state or federal agency) who has the primary management and ultimate decision-making responsibility over the operation of a facility or activity. The operator is responsible for ensuring compliance with all applicable environmental regulations and conditions.

- 7.28 **"Quarterly"**: (1) a fixed calendar quarter or any part of the fixed calendar quarter for a non-seasonal effluent characteristic with a measurement frequency of once/quarter. Fixed calendar quarters are: January through March, April through June, July through September, and October through December; or (2) a fixed three month period (or any part of the fixed three month period) of or dependent upon the seasons specified in the permit for a seasonal effluent characteristic with a monitoring requirement frequency of Once/quarter that does not does not coincide with the fixed calendar quarter Seasonal calendar quarters May through July, August through October, November through January, and February through April.
- 7.29 **"Severe property damage"**: 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 productions.
- 7.30 **"s.u."**: standard units.
- 7.31 **"Surfactant"**: Surface active agent used in detergents to cause lathering.
- 7.32 **"Total Maximum Daily Load" or "TMDL"**: the sum of the individual wasteload allocations (WLAs) for point sources and load allocations (LAs) for non-point sources and natural background. If receiving water has only one point source discharger, the TMDL is the sum of that point source WLA plus the LAs for any non-point sources of pollution and natural background sources, tributaries, or adjacent segments. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure.
- 7.33 **"Total Suspended Solids (TSS)"**: the amount of solid material suspended in water, commonly expressed as a concentration, in terms of mg/l.
- 7.34 **"Treatment works"**: 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.
- 7.35 **"Upset"**: 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. An 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.