

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

For issuance of the new General Permit for Operators of Individual Treatment Facilities Generating Only Domestic Waste located within the State of Arkansas, Permit Number ARG550000.

Information in this part is organized as follows:

- 1. **Background**1
- 2. **Proposed Changes**.....1
- 3. **Permit Coverage**3
- 4. **Monitoring Requirements**.....4
- 5. **Other Conditions**4
- 6. **Public Notice, Meeting, and Hearing**6
- 7. **Economic Impact**6
- 8. **Contact Information**.....6
- 9. **Sources:**.....7

1. Background

Under 40 CFR 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 individual treatment facilities generating domestic waste and requiring NPDES permit coverage, the ADEQ has elected to renew the ARG550000 General Permit for Operators of Individual Treatment Facilities Generating Only Domestic Waste located within the State of Arkansas.

The previous permit took effect on July 1, 2014, and expires on June 30, 2019.

2. Proposed 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 language on the Cover Page of the general permit was updated for consistency with the changes to Part 2 of the general permit.
- 2.2 The Table of Contents was expanded and is now hyperlinked to the corresponding Parts of the permit.
- 2.3 Multiple web links were updated to stay consistent with ADEQ website changes.

- 2.4 The maximum allowable treatment unit was increased to 1500 GPD based on the maximum allowed systems approved by the Arkansas Department of Health (ADH) and reviewed by the National Science Foundation (NSF).
- 2.5 The first paragraph in Part 1.2.2 was rearranged so that the requirement to seek alternative coverage if your facility is excluded shows up after reading the exclusions.
- 2.6 Part 1.2.2.3 now excludes discharges to waterbodies listed in a TMDL Report for pathogens, nutrients, or low DO.
- 2.7 The components of an NOI were nested under the requirement to submit an NOI rather than listing them later. This resulted in the reordering of Part 1.3.
- 2.8 Added a link to the NOI on the ADEQ website as Part 1.3.1.1.10
- 2.9 Revised the language in Part 1.3.5 (what is now Part 1.3.4) regarding the additional information listed on the NOC, specifically the conditionally applicable sampling in Part 2.
- 2.10 Revised the language in Part 1.4 regarding the lack of notification for the replacement of like-kind equipment.
- 2.11 Added “modification” as a type of NOI that goes through the public notice process in Part 1.5 and reworded a few statements for clarity.
- 2.12 The language of Part 1.6 was updated for clarity. “and ADEQ confirmation of termination” was added to Part 1.6.2, “or other general permit” was added to Part 1.6.3, and Part 1.6.4 was rephrased in include a reference to Arkansas Code Annotated (A.C.A.).
- 2.13 The language of Part 1.7 was updated for clarity. Part 1.7.1 no longer mentions Part 1.2, Part 1.7.2 was added in place of the language at the end of Part 1.7 in the previous permit, and Part 1.7.3 was added to direct permittees to a Notice of Termination (NOT) form.
- 2.14 The language of Part 1.8 was updated for clarity and to require an NOT, even if an Individual NPDES Permit is issued.
- 2.15 The language of Part 1.9 was updated for clarity on the time frame for ownership transfers and respective responsibilities. Also, the link to the Permit Transfer Form was updated.
- 2.16 Part 1.10 now refers to the pre-approved systems link in Part 1.2.1.1, and Arkansas Department of Health was abbreviated in Part 1.10.3.
- 2.17 In Part 2: a footnote was added to direct the permittee to Part 7, definitions, for an explanation of the flow sample type “estimate”; all limits for BOD₅ and TSS are listed to the tenths place

for consistency; the footnote for DO regarding the potential to have a more stringent limit to meet Water Quality Standards (WQS) was removed since the types of facilities that it would apply to would be excluded due to Part 1.2.2.3; conditional monitoring of Total Phosphorus (TP) and Total Nitrogen (TN) was added for facilities discharging to streams listed in the most recent 305(b) report as Category 3 due to insufficient data to complete the nutrient assessment; a footnote was added for pH clarifying the proper sampling procedure; and the language below the footnotes was updated to remove redundancy.

- 2.18 “Site Specific Criteria” was removed from limit table in Part 2 because any additional monitoring not addressed in the general permit warrants an Individual NPDES Discharge General Permit.
- 2.19 Revised the language in Part 4.1.2 of the permit for clarification on the Class II wastewater operator’s responsibilities.
- 2.20 In Part 4.1.3, a link to the referenced maintenance form was added.
- 2.21 Moved Part 4.4.3.2 of the previous permit to the end of Part 4.4.2.1 since they are both in regards to anticipated bypasses.
- 2.22 Part 5.4 of the permit, Reporting of Monitoring Results, was updated to reflect the new NetDMR submittal process.
- 2.23 The language in Part 5.5 was revised to clarify duties of the Class II operator.
- 2.24 Part 6.2 now mirrors Part 1.9 regarding permit transfers. Part 6.2 in the previous permit referred the transfer of the general permit itself and was not consistent with its purpose.
- 2.25 A typographical error in Part 6.4.3 was corrected. Where it previously stated “pollutants listed by the Director in Part I of the permit...” it now states “pollutants listed by the Director in Part 2 of the permit...”
- 2.26 Part 6.7 regarding the “Duty to Reapply” was reworded to better express the intent of 40 CFR 122.41(h).
- 2.27 “Clean Water Act (CWA),” “Code of Federal Regulations (CFR),” “Direct Discharge,” “Total Nitrogen,” and “Total Phosphorus” were added to Part 7 for clarity.

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 1.2.2 of the general permit. These facilities should be designed, installed, and operated with written approval from the Arkansas Department of Health (ADH).

4. Monitoring Requirements

All facilities operating under conditions of this general permit are required to monitor each parameter twice per year. Sampling and testing must be conducted in accordance with 40 CFR Part 136. Regulations for individual treatment units issued by ADH require the operator 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. It is also required that the operator employ the services of a commercial laboratory for the sampling analysis required by this general permit.

Samples shall be taken at the discharge from the final treatment unit and prior to mixing with the receiving waters. Provisions must be made during the installation of the treatment unit for the taking of a proper sample by the permittee. Flow shall be estimated each time effluent samples are taken. If a flow meter, flume, or weir isn't available, then there are several methods available to estimate flow rate that the permittee can do with commonly available tools, such as stopwatches, rulers, and buckets (timed volume). 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. Therefore, the permittee could use timed volume to estimate the flow (time a 1 to 5 gallon bucket as it's filled to determine the discharge in gpm, then covert GPD to MGD).

This permit has a minimum requirement that samples must be taken and analyzed only once every six months. However, the permittee shall at all times properly operate and maintain the facilities to achieve compliance with the conditions of this permit, including additional sampling and testing as necessary to ensure that permit limitations are not exceeded at any time.

5. Other Conditions

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 May 31, 2019.

5.3 Expiration Date

In accordance with 40 CFR Part 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 ADEQ may consider the issuance of individual permits according to the criteria in 40 CFR 122.28(b)(3).

5.5 Justification of Permit Limits and Conditions

Conditions in Parts 2 through 6 are self-explanatory and are incorporated in the permit based on 40 CFR 122.41, 40 CFR 122.43, 40 CFR 122.62, 40 CFR 124.5, 40 CFR 136, 40 CFR 122.44(d), Appendix D of the Continuing Planning Process (CPP), and APC&EC Reg. No. 3 in order to provide and ensure compliance with all applicable requirements of the CWA and regulations.

Definitions in Part 7 are self-explanatory and have been included in the permit in order to provide and ensure compliance with all applicable requirements of the CWA and regulations.

Biochemical Oxygen Demand (BOD₅)

Limits for BOD₅ are based upon Reg. 6.401.

Total Suspended Solids (TSS)

Limits for TSS are based on Reg.6.401.

Dissolved Oxygen (DO)

DO limits are based on the worst case scenario in order to meet Water Quality Standards for all ecoregions set forth in Reg. 2.505.

Fecal Coliform Bacteria (FCB)

The limit for Fecal Coliform Bacteria is based on the previous permit limits, the anti-backsliding requirements of 40 CFR 122.44(l) and worst case scenario. The limits are consistent with Reg. 2.507.

Potential Hydrogen (pH)

The water quality-based limits for pH are based on Reg.2.504.

Total Phosphorus (TP) and Total Nitrogen (TN)

Monitoring for TP and TN has been added for discharges to receiving streams listed in the 305(b) Report as Category 3 for nutrients since domestic waste is a natural source of nutrients.

6. Public Notice, Meeting, and Hearing

The draft renewal permit public notice was published on June 28, 2018. The public comment period began on the publication date and ended on July 30, 2018. No comments were received during the comment period.

7. 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.

For treatment units discharging directly into a waterbody with a TMDL for nutrients, pathogens, or DO, an Individual NPDES Discharge Permit will be required. Obtaining an Individual NPDES Discharge Permit will result in additional cost for public notice and longer processing time. It may also result in additional cost if monitoring of additional parameters is required under the Individual NPDES Discharge Permit.

For facilities that discharge into receiving waters listed in the 305(b) Report as Category 3 for nutrients, the addition of TP and TN monitoring may result in additional cost.

8. 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
5301 Northshore Drive
North Little Rock, AR 72118

via phone at (501) 682-0623; or

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

9. Sources:

- 9.1 Previous Permit, Fact Sheet, and Response to Comments.
- 9.2 Title 40 of the Code of Federal Regulations (40 CFR).
- 9.3 33 U.S.C. § 1251 *et seq.*, *i.e.* Clean Water Act (CWA).
- 9.4 Arkansas Code Annotated (A.C.A.) § 8-4-203.
- 9.5 “Integrated Water Quality Monitoring and Assessment Report (305(b)),” 2016, ADEQ.
- 9.6 APC&EC Regulation No. 2.
- 9.7 APC&EC Regulation No. 3.
- 9.8 APC&EC Regulation No. 6.
- 9.9 APC&EC Regulation No. 8.
- 9.10 APC&EC Regulation No. 9.