

**AUTHORIZATION TO DISCHARGE WASTEWATER UNDER
THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM AND
THE ARKANSAS WATER AND AIR POLLUTION CONTROL ACT**

In accordance with the provisions of the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. 8-4-101 et seq.), and the Clean Water Act (33 U.S.C. § 1251 et seq.),

Evergreen Packaging LLC
Pine Bluff Mill

is authorized to discharge treated Wood Pulping and Bleaching process water, Power Generation and Chemical Recovery process water (this includes non-contact cooling water, compressor wash water and boiler chemical cleaning), Papermaking process water, Sanitary Wastewater, Stormwater Runoff, Chip Mill Sprinkled Wood Storage Return, Landfill Leachate, and Pine Bluff Energy Center Contribution (this includes cooling tower blowdown, and HRSG blowdown), and non-contact cooling water from a facility located as follows: 5201 Fairfield Road, Pine Bluff, AR 71601. Turn north from Highway 425 onto Highway 81, travel approximately 1.9 miles and cross the railroad tracks. Turn east onto Fairfield Road in Jefferson County, Arkansas. The applicant's mailing address is: 5201 Fairfield Road, Pine Bluff, AR 71601.

Latitude: 34° 13' 09.09" N; Longitude: 91° 54' 24.85" W

to receiving waters named:

Outfall 001: Arkansas River in Segment 3C of the Arkansas River Basin.

Outfall 002: an unnamed tributary of Cousart Bayou, thence to Cousart Bayou, thence to Bayou Bartholomew, thence to the Ouachita River in Segment 2B of the Ouachita River Basin.

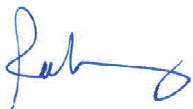
The outfalls are located at the following coordinates:

Outfall 001: Latitude: 34° 14' 10" N; Longitude: 91° 53' 50" W

Outfall 002: Latitude: 34° 13' 10" N; Longitude: 91° 54' 10" W

Discharge shall be in accordance with effluent limitations, monitoring requirements, and other conditions set forth in this permit. Per Part III.D.10, the permittee must re-apply 180 days prior to the expiration date below for permit coverage to continue beyond the expiration date.

Effective Date: January 1, 2017
Minor Modification Effective Date: February 1, 2018
Major Modification Effective Date: November 1, 2020
Expiration Date: December 31, 2021



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

10/19/2020
Major Modification Issue Date

PART I
PERMIT REQUIREMENTS

SECTION A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS: OUTFALL 001 - Wood Pulping and Bleaching process water, Power Generation and Chemical Recovery process water (this includes non-contact cooling water, compressor wash water and boiler chemical cleaning), Papermaking process water, Sanitary Wastewater, Stormwater Runoff, Chip Mill Sprinkled Wood Storage Return, Landfill Leachate and, and Pine Bluff Energy Center Contribution (this includes cooling tower blowdown, and Heat Recovery Steam Generator (HRSG) blowdown).

During the period beginning on the effective date and lasting until the date of expiration, the permittee is authorized to discharge from Outfall 001. Such discharges shall be limited and monitored by the permittee as specified below as well as Parts II and III. See Part IV for all definitions and calculations.

<u>Effluent Characteristics</u>	<u>Discharge Limitations</u>				<u>Monitoring Requirements</u>	
	Mass (lbs/day, unless otherwise specified)		Concentration (mg/l, unless otherwise specified)		Frequency	Sample Type
	Monthly Avg.	Daily Max	Monthly Avg.	Daily Max		
Flow	N/A	N/A	Report MGD	Report MGD	continuous	recorder
Biochemical Oxygen Demand (BOD ₅)	25528.8	48988.9	Report	Report	three/week	composite
Total Suspended Solids (TSS)	46561.1	86608.2	Report	Report	three/week	composite
Adsorbable Organic Halogens (AOX) ²	2080.2	3175.4	Report	Report	once/week	composite
2,3,7,8-Tetrachlorodibenzo-p-dioxin (2,3,7,8-TCDD)	N/A	N/A	Report pg/l	Report pg/l	once/year	composite
Total Phosphorous (TP)						
(November – April)	Report	Report	Report	Report	once/month	composite
(May – October)	Report	Report	Report	Report	once/quarter	composite
Nitrates + Nitrites as Nitrogen (NO ₃ + NO ₂ -N)						
(November – April)	Report	Report	Report	Report	once/quarter	composite
(May – October)	Report	Report	Report	Report	once/6 months	composite
Ammonia-Nitrogen (NH ₃ -N)						
(November – April)	Report	Report	Report	Report	once/quarter	composite
(May – October)	Report	Report	Report	Report	once/6 months	composite
pH	N/A	N/A	<u>Minimum</u> 6.0 s.u.	<u>Maximum</u> 9.0 s.u.	three/week	grab
Chronic WET Testing ¹	N/A	N/A	Report		once/quarter	composite

<u>Effluent Characteristics</u>	<u>Discharge Limitations</u>				<u>Monitoring Requirements</u>	
	Mass (lbs/day, unless otherwise specified)		Concentration (mg/l, unless otherwise specified)		Frequency	Sample Type
	Monthly Avg.	Daily Max	Monthly Avg.	Daily Max		
<u>Pimephales promelas (Chronic)</u> ¹ Pass/Fail Lethality (7-day NOEC) TLP6C Pass/Fail Growth (7-day NOEC)TGP6C Survival (7-day NOEC) TOP6C Coefficient of Variation (Growth) TQP6C Growth (7-day NOEC) TPP6C			<u>7-Day Average</u> Report (Pass=0/Fail=1) Report (Pass=0/Fail=1) Report % Report % Report %		once/quarter once/quarter once/quarter once/quarter once/quarter	composite composite composite composite composite
<u>Ceriodaphnia dubia (Chronic)</u> ¹ Pass/Fail Lethality (7-day NOEC) TLP3B Pass/Fail production (7-day NOEC)TGP3B Survival (7-day NOEC) TOP3B Coefficient of Variation (Reproduction) TQP3B Reproduction (7-day NOEC) TPP3B			<u>7-Day Average</u> Report (Pass=0/Fail=1) Report (Pass=0/Fail=1) Report % Report % Report %		once/quarter once/quarter once/quarter once/quarter once/quarter	composite composite composite composite composite

¹ See Condition No. 11 of Part II (WET Testing Requirements).

² See Part II, Condition Nos. 8 & 9 (AOX Requirements).

Oil, grease, or petrochemical substances shall not be present in receiving waters to the extent that they produce globules or other residue or any visible, colored film on the surface or coat the banks and/or bottoms of the waterbody or adversely affect any of the associated biota. There shall be no visible sheen as defined in Part IV of this permit.

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge during the entire monitoring period. Samples shall be taken after final treatment and prior to entering the receiving stream.

**PART I
 PERMIT REQUIREMENTS**

SECTION A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS: OUTFALL 002 – non-contact cooling water and stormwater runoff.

During the period beginning on the effective date and lasting until the date of expiration, the permittee is authorized to discharge from Outfall 002. Such discharges shall be limited and monitored by the permittee as specified below.

<u>Effluent Characteristics</u>	<u>Discharge Limitations</u>				<u>Monitoring Requirements</u>	
	Mass (lbs/day, unless otherwise specified)		Concentration (mg/l, unless otherwise specified)		Frequency	Sample Type
	Monthly Avg.	Daily Max	Monthly Avg.	Daily Max		
Flow	N/A	N/A	Report	Report	once/day	instantaneous
Total Suspended Solids (TSS)	N/A	N/A	20	30	two/month	grab
Oil and Grease (O&G)	N/A	N/A	10	15	two/month	grab
Temperature	N/A	N/A	89.6°F, Inst. Max.		two/month	grab
pH	N/A	N/A	<u>Minimum</u> 6.0 s.u.	<u>Maximum</u> 9.0 s.u.	two/month	grab

Oil, grease, or petrochemical substances shall not be present in receiving waters to the extent that they produce globules or other residue or any visible, colored film on the surface or coat the banks and/or bottoms of the waterbody or adversely affect any of the associated biota. There shall be no visible sheen as defined in Part IV of this permit.

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge during the entire monitoring period. Samples shall be taken after final treatment and prior to entering the receiving stream.

**PART I
 PERMIT REQUIREMENTS**

SECTION A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS: INTERNAL OUTFALL 01A – effluent from pine line

During the period beginning on the effective date and lasting until the date of expiration, the permittee is authorized to discharge from Outfall 01A. Such discharges shall be limited and monitored by the permittee as specified below.

<u>Effluent Characteristics</u>	<u>Discharge Limitations</u>				<u>Monitoring Requirements</u>	
	Mass (lbs/day, unless otherwise specified)		Concentration (mg/l, unless otherwise specified)		Frequency	Sample Type
	Monthly Avg.	Daily Max	Monthly Avg.	Daily Max		
2,3,7,8-TCDF ¹	N/A	N/A	N/A	31.9 µg/l	once/quarter	composite
2,3,7,8-TCDD ¹	N/A	N/A	N/A	<10 µg/l	once/quarter	composite
Chloroform ¹	2.22	3.71	N/A	N/A	once/2 month	composite
Trichlorosyringol ¹	N/A	N/A	N/A	<2.5 µg/l	once/quarter	composite
3,4,5-trichlorocatechol ¹	N/A	N/A	N/A	<5.0 µg/l	once/quarter	composite
3,4,6-trichlorocatechol ¹	N/A	N/A	N/A	<5.0 µg/l	once/quarter	composite
3,4,5-trichloroguaiacol ¹	N/A	N/A	N/A	<2.5 µg/l	once/quarter	composite
3,4,6-trichloroguaiacol ¹	N/A	N/A	N/A	<2.5 µg/l	once/quarter	composite
4,5,6-trichloroguaiacol ¹	N/A	N/A	N/A	<2.5 µg/l	once/quarter	composite
2,4,5-trichlorophenol ¹	N/A	N/A	N/A	<2.5 µg/l	once/quarter	composite
2,4,6-trichlorophenol ¹	N/A	N/A	N/A	<2.5 µg/l	once/quarter	composite
Tetrachlorocatechol ¹	N/A	N/A	N/A	<5.0 µg/l	once/quarter	composite
Tetrachloroguaiacol ¹	N/A	N/A	N/A	<5.0 µg/l	once/quarter	composite
2,3,4,6-tetrachlorophenol ¹	N/A	N/A	N/A	<2.5 µg/l	once/quarter	composite
Pentachlorophenol ¹	N/A	N/A	N/A	<5.0 µg/l	once/quarter	composite

¹ See Condition No. 8 of Part II.

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge during the entire monitoring period. Samples shall be taken prior to commingling with any other wastewaters.

**PART I
 PERMIT REQUIREMENTS**

SECTION A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS: OUTFALL 01B – effluent from hardwood line.

During the period beginning on the effective date and lasting until the date of expiration, the permittee is authorized to discharge from Outfall 01B. Such discharges shall be limited and monitored by the permittee as specified below.

<u>Effluent Characteristics</u>	<u>Discharge Limitations</u>				<u>Monitoring Requirements</u>	
	Mass (lbs/day, unless otherwise specified)		Concentration (mg/l, unless otherwise specified)		Frequency	Sample Type
	Monthly Avg.	Daily Max	Monthly Avg.	Daily Max		
2,3,7,8-TCDF ¹	N/A	N/A	N/A	31.9 µg/l	once/quarter	composite
2,3,7,8-TCDD ¹	N/A	N/A	N/A	<10 µg/l	once/quarter	composite
Chloroform ¹	11.61	19.40	N/A	N/A	once/2 month	composite
Trichlorosyringol ¹	N/A	N/A	N/A	<2.5 µg/l	once/quarter	composite
3,4,5-trichlorocatechol ¹	N/A	N/A	N/A	<5.0 µg/l	once/quarter	composite
3,4,6-trichlorocatechol ¹	N/A	N/A	N/A	<5.0 µg/l	once/quarter	composite
3,4,5-trichloroguaiacol ¹	N/A	N/A	N/A	<2.5 µg/l	once/quarter	composite
3,4,6-trichloroguaiacol ¹	N/A	N/A	N/A	<2.5 µg/l	once/quarter	composite
4,5,6-trichloroguaiacol ¹	N/A	N/A	N/A	<2.5 µg/l	once/quarter	composite
2,4,5-trichlorophenol ¹	N/A	N/A	N/A	<2.5 µg/l	once/quarter	composite
2,4,6-trichlorophenol ¹	N/A	N/A	N/A	<2.5 µg/l	once/quarter	composite
Tetrachlorocatechol ¹	N/A	N/A	N/A	<5.0 µg/l	once/quarter	composite
Tetrachloroguaiacol ¹	N/A	N/A	N/A	<5.0 µg/l	once/quarter	composite
2,3,4,6-tetrachlorophenol ¹	N/A	N/A	N/A	<2.5 µg/l	once/quarter	composite
Pentachlorophenol ¹	N/A	N/A	N/A	<5.0 µg/l	once/quarter	composite

¹ See Condition No. 8 of Part II.

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge during the entire monitoring period. Samples shall be taken prior to commingling with any other wastewaters.

SECTION B. PERMIT COMPLIANCE SCHEDULE

None.

PART II OTHER CONDITIONS

1. The operator of this wastewater treatment facility shall hold an Advanced Industrial license from the State of Arkansas in accordance with APCEC Rule No. 3.
2. In accordance with 40 CFR Parts 122.62 (a)(2) and 124.5, this permit may be reopened for modification or revocation and/or reissuance to require additional monitoring and/or effluent limitations when new information is received that actual or potential exceedance of State water quality criteria and/or narrative criteria are determined to be the result of the permittee's discharge(s) to a relevant water body or a Total Maximum Daily Load (TMDL) is established or revised for the water body that was not available at the time of the permit issuance that would have justified the application of different permit conditions at the time of permit issuance.
3. Other Specified Monitoring Requirements

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

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

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

4. Best Management Practices (BMPs), as defined in Part IV.6, must be implemented for the facility to prevent or reduce the pollution of waters of the State from stormwater runoff, spills or leaks, and/or waste disposal. The permittee must amend the BMPs whenever there is a change in the facility or a change in the operation of the facility.
5. **Chlorophenolic-Containing Biocides:** The permittee has certified that no chlorophenolic-containing biocides are currently used. Any anticipated use of these biocides will require notification of DEQ as specified in 40 CFR Part 122.41(l).
6. **Zinc Hydrosulfite Bleaching Agents:** The permittee has certified that no zinc hydrosulfite bleaching agents are currently used. Any anticipated use of zinc hydrosulfite bleaching agents will require notification of DEQ as specified in 40 CFR Part 122.41(l).
7. **Fish Tissue Analysis:** In accordance with the previous permit, the permittee submitted the Plan of Study on 11/29/2001 and submitted the first sampling on 1/31/2003. Fish tissue analysis shall continue at a frequency of once/five (5) year period, in accordance with the approved Plan of Study.
8. **Effluent Monitoring Requirements:** The permittee may use any EPA approved method based on 40 CFR Part 136 provided the ML for the chosen method is equal to or less than what has been specified in chart below:

Pollutant	EPA Method	ML
2,3,7,8-TCDF	1613	10 pg/l*
2,3,7,8-TCDD	1613	10 pg/l*
Chloroform	624	10 µg/l
Trichlorosyringol	1653	2.5 µg/l
3,4,5-trichlorocatechol	1653	5.0 µg/l
3,4,6-trichlorocatechol	1653	5.0 µg/l
3,4,5-trichloroguaiacol	1653	2.5 µg/l
3,4,6-trichloroguaiacol	1653	2.5 µg/l
4,5,6-trichloroguaiacol	1653	2.5 µg/l
2,4,5-trichlorophenol	1653	2.5 µg/l
2,4,6-trichlorophenol	1653	2.5 µg/l

Pollutant	EPA Method	ML
Tetrachlorocatechol	1653	5.0 µg/l
Tetrachloroguaiacol	1653	5.0 µg/l
2,3,4,6-tetrachlorophenol	1653	2.5 µg/l
Pentachlorophenol	1653	5.0 µg/l
AOX	1650	20 µg/l

*part per quadrillion or picogram per liter (pg/l)

The permittee may develop a matrix specific method detection limit (MDL) in accordance with Appendix B of 40 CFR Part 136. For any pollutant for which the permittee determines a site specific MDL, the permittee shall send to DEQ, NPDES Permits Branch, a report containing QA/QC documentation, analytical results, and calculations necessary to demonstrate that a site specific MDL was correctly calculated. A site specific minimum quantification level (MQL) shall be determined in accordance with the following calculation:

$$\text{MQL} = 3.3 \times \text{MDL}$$

Upon written approval by Permits Branch, the site specific MQL may be utilized by the permittee for all future Discharge Monitoring Report (DMR) calculations and reporting requirements.

9. Effluent limitations for AOX are bleach plant production-based using unbleached pulp metric tons at 10% moisture.
10. Outfall 01A consists of 5 stages designated as 8A, 8B, 8C, 8D, and 8E (bleaching filtrates of pine line). Outfall 01B consists of 3 stages designated as 8F, 8G, and 8I (bleaching filtrates of Hardwood line). The permittee must sample each of these lines separately.

11. WHOLE EFFLUENT TOXICITY TESTING (7-DAY CHRONIC NOEC FRESHWATER)

A. SCOPE AND METHODOLOGY

- i. The permittee shall test the effluent for toxicity in accordance with the provisions in this section.

APPLICABLE TO FINAL OUTFALL:	001
REPORTED ON DMR AS FINAL OUTFALL:	001
CRITICAL DILUTION (%):	20%
EFFLUENT DILUTION SERIES (%):	8%, 11%, 15%, 20%, and 27%
TESTING FREQUENCY:	once/quarter
COMPOSITE SAMPLE TYPE:	Defined at PART I
TEST SPECIES/METHODS:	40 CFR Part 136

Ceriodaphnia dubia chronic static renewal survival and reproduction test, Method 1002.0, EPA-821-R-02-013, or the most recent update thereof. This test should be terminated when 60% of the surviving females in the control produce three broods or at the end of eight days, whichever comes first.

Pimephales promelas (Fathead minnow) chronic static renewal 7-day larval survival and growth test, Method 1000.0, EPA-821-R-02-013, or the most recent update thereof. A minimum of five (5) replicates with eight (8) organisms per replicate must be used in the control and in each effluent dilution of this test.

- ii. The NOEC (No Observed Effect Concentration) is herein defined as the greatest effluent dilution at and below which toxicity (lethal or sub-lethal) that is statistically different from the control (0% effluent) at the 95% confidence level does not occur. Chronic lethal test failure is defined as a demonstration of a statistically significant lethal effect at test completion to a test species at or below the critical dilution. Chronic sub-lethal test failure is defined as a demonstration of a statistically significant sub-lethal effect (i.e., growth or reproduction) at test completion to a test species at or below the critical dilution.
- iii. This permit may be reopened to require whole effluent toxicity limits, chemical specific effluent limits, additional testing, and/or other appropriate actions to address toxicity.

B. PERSISTENT LETHAL and/or SUB-LETHAL EFFECTS

The requirements of this subsection apply only when a toxicity test demonstrates significant lethal and/or sub-lethal effects at or below the critical dilution. The purpose of additional tests (also referred to as ‘retests’ or confirmation tests) is to determine the duration of a toxic event. A test that meets all test acceptability criteria and demonstrates significant toxic effects does not need additional confirmation. Such testing cannot confirm or disprove a previous test result.

If a frequency reduction, as specified in Item F, has been granted and any valid test demonstrates significant lethal or sub-lethal effects to a test species at or below the critical dilution, the frequency of testing for that species is automatically increased to once per quarter for the life of the permit. In addition:

i. Part I Testing Frequency Other Than Monthly

- a. The permittee shall conduct a total of three (3) additional tests for any species that demonstrates significant toxic effects at or below the critical dilution. The additional tests shall be conducted monthly during the next three consecutive months. If testing on a quarterly basis, the permittee may substitute one of the additional tests in lieu of one routine toxicity test. A full report shall be prepared for each test required by this section in accordance with procedures outlined in Item D of this section and submitted with the period discharge monitoring report (DMR) to the permitting authority for review.
- b. **IF LETHAL EFFECTS HAVE BEEN DEMONSTRATED** If any of the additional tests demonstrates significant lethal effects at or below the critical dilution, the permittee shall initiate Toxicity Reduction Evaluation (TRE) requirements as specified in Item E of this section. The permittee shall notify DEQ in writing within 5 days of the failure of any retest, and the TRE initiation date will be the test completion date of the first failed retest. A TRE may also be required due to a demonstration of intermittent lethal effects at or below the critical dilution, or for failure to perform the required retests. A TRE required based on lethal effects should consider any sub-lethal effects as well.
- c. **IF SUB-LETHAL EFFECTS ONLY HAVE BEEN DEMONSTRATED** If any two of the three additional tests demonstrates significant sub-lethal effects at 75% effluent or lower, the permittee shall initiate the Sub-Lethal Toxicity Reduction Evaluation (TRE_{SL}) requirements as specified in Item E of this section. The permittee shall notify DEQ in writing within 5 days of the failure of any retest, and the Sub-Lethal Effects TRE initiation date will be the test completion date of

the first failed retest. A TRE may be also be required for failure to perform the required retests.

- d. The provisions of Item B.i.a are suspended upon submittal of the TRE Action Plan.

- ii. Part I Testing Frequency of Monthly

The permittee shall initiate the Toxicity Reduction Evaluation (TRE) requirements as specified in Item E of this section when any two of three consecutive monthly toxicity tests exhibit significant toxic effects at or below the critical dilution. A TRE may also be required due to a demonstration of intermittent lethal and/or sub-lethal effects at or below the critical dilution, or for failure to perform the required retests.

C. REQUIRED TOXICITY TESTING CONDITIONS

- i. Test Acceptance

The permittee shall repeat a test, including the control and all effluent dilutions, if the procedures and quality assurance requirements defined in the test methods or in this permit are not satisfied, including the following additional criteria:

- a. The toxicity test control (0% effluent) must have survival equal to or greater than 80%.
- b. The mean number of Ceriodaphnia dubia neonates produced per surviving female in the control (0% effluent) must be 15 or more.
- c. 60% of the surviving control females must produce three broods. The mean dry weight of surviving Fathead minnow larvae at the end of the 7 days in the control (0% effluent) must be 0.25 mg per larva or greater.
- d. The percent coefficient of variation between replicates shall be 40% or less in the control (0% effluent) for: the young of surviving females in the Ceriodaphnia dubia reproduction test; the growth and survival endpoints of the Fathead minnow test.
- e. The percent coefficient of variation between replicates shall be 40% or less in the critical dilution, unless significant lethal or sub-lethal effects are exhibited for: the young of surviving females in the Ceriodaphnia dubia reproduction test; the growth and survival endpoints of the Fathead minnow test.

- f. If a test passes, yet the percent coefficient of variation between replicates is greater than 40% in the control (0% effluent) and/or in the critical dilution for: the young of surviving females in the Ceriodaphnia dubia reproduction test; the growth and survival endpoints of the Fathead minnow test, the test is determined to be invalid. A repeat test shall be conducted within the required reporting period of any test determined to be invalid.
 - g. If a test fails, test failure may not be construed or reported as invalid due to a coefficient of variation value of greater than 40%.
 - h. A Percent Minimum Significant Difference (PMSD) range of 13 - 47 for Ceriodaphnia dubia reproduction;
 - i. A PMSD range of 12 - 30 for Fathead minnow growth.
- ii. Statistical Interpretation
- a. For the Ceriodaphnia dubia survival test, the statistical analyses used to determine if there is a significant difference between the control and the critical dilution shall be Fisher's Exact Test as described in EPA/821/R-02-013 or the most recent update thereof.
 - b. For the Ceriodaphnia dubia reproduction test and the Fathead minnow larval survival and growth test, the statistical analyses used to determine if there is a significant difference between the control and the critical dilution shall be in accordance with the methods for determining the No Observed Effect Concentration (NOEC) as described in EPA/821/R-02-013 or the most recent update thereof.
 - c. If the conditions of Test Acceptability are met in Item C.i above and the percent survival of the test organism is equal to or greater than 80% in the critical dilution concentration and all lower dilution concentrations, the test shall be considered to be a passing test, and the permittee shall report a survival NOEC of not less than the critical dilution for the DMR reporting requirements found in Item D below.
- iii. Dilution Water
- a. Dilution water used in the toxicity tests will be receiving water collected as close to the point of discharge as possible but unaffected by the discharge. The permittee shall substitute synthetic dilution water of similar pH, hardness, and alkalinity to the closest downstream perennial water for;

- (1) toxicity tests conducted on effluent discharges to receiving water classified as intermittent streams; and
 - (2) toxicity tests conducted on effluent discharges where no receiving water is available due to zero flow conditions.
- b. If the receiving water is unsatisfactory as a result of instream toxicity (fails to fulfill the test acceptance criteria of Item C.i), the permittee may substitute synthetic dilution water for the receiving water in all subsequent tests provided the unacceptable receiving water test met the following stipulations:
- (1) a synthetic dilution water control which fulfills the test acceptance requirements of Item C.i was run concurrently with the receiving water control;
 - (2) the test indicating receiving water toxicity has been carried out to completion (i.e., 7 days);
 - (3) the permittee includes all test results indicating receiving water toxicity with the full report and information required by Item D below; and
 - (4) the synthetic dilution water shall have a pH, hardness, and alkalinity similar to that of the receiving water or closest downstream perennial water not adversely affected by the discharge, provided the magnitude of these parameters will not cause toxicity in the synthetic dilution water.

iv. Samples and Composites

- a. The permittee shall collect a minimum of three flow-weighted composite samples from the outfall(s) listed at Item A.i above. Unless otherwise stated in this section, a composite sample for WET shall consist of a minimum of 12 subsamples gathered at equal time intervals during a 24-hour period.
- b. The permittee shall collect second and third composite samples for use during 24-hour renewals of each dilution concentration for each test. The permittee must collect the composite samples such that the effluent samples, on use, are representative of any periodic episode of chlorination, biocide usage or other potentially toxic substance discharged on a regular or intermittent basis.
- c. The permittee must collect all three flow-weighted composite samples within the monitoring period. Second and/or third composite samples shall not be collected into the next monitoring period; such tests will be determined to be invalid. Monitoring period definitions are listed in Part IV.

- d. The permittee must collect the composite samples so that the maximum holding time for any effluent sample shall not exceed 72 hours. The permittee must have initiated the toxicity test within 36 hours after the collection of the last portion of the first composite sample. Samples shall be chilled to between 0 and 6 degrees Centigrade during collection, shipping, and/or storage.
- e. If the flow from the outfall(s) being tested ceases during the collection of effluent samples, the requirements for the minimum number of effluent samples, the minimum number of effluent portions and the sample holding time are waived during that sampling period. However, the permittee must have collected an effluent composite sample volume during the period of discharge that is sufficient to complete the required toxicity tests with daily renewal of effluent. When possible, the effluent samples used for the toxicity tests shall be collected on separate days if the discharge occurs over multiple days. The effluent composite sample collection duration and the static renewal protocol associated with the abbreviated sample collection must be documented in the full report required in Item D of this section.
- f. MULTIPLE OUTFALLS: If the provisions of this section are applicable to multiple outfalls, the permittee shall combine the composite effluent samples in proportion to the average flow from the outfalls listed in item A.i. above for the day the sample was collected. The permittee shall perform the toxicity test on the flow-weighted composite of the outfall samples.
- g. If chlorination is part of the treatment process, the permittee shall not allow the sample to be dechlorinated at the laboratory. At the time of sample collection the permittee shall measure the TRC of the effluent. The measured concentration of TRC for each sample shall be included in the lab report submitted by the permittee.

D. REPORTING

- i. The permittee shall prepare a full report of the results of all tests conducted pursuant to this section in accordance with the Report Preparation Section of EPA/821/R-02-013, or the most current publication, for every valid or invalid toxicity test initiated whether carried to completion or not. The permittee shall retain each full report pursuant to the provisions of PART III.C.7 of this permit. The permittee shall submit full reports. For any test which fails, is considered invalid or which is terminated early for any reason, the full report must be submitted for agency review.
- ii. A valid test for each species must be reported on the DMR during each reporting period specified in PART I of this permit unless the permittee is performing a TRE

- which may increase the frequency of testing and reporting. Only ONE set of WET test data for each species is to be recorded on the DMR for each reporting period. The data submitted should reflect the LOWEST lethal and sub-lethal effects results for each species during the reporting period. The full reports for all invalid tests, repeat tests (for invalid tests), and retests (for tests previously failed) performed during the reporting period must be attached to the DMR for Agency review.
- iii. The permittee shall submit the results of each valid toxicity test on the subsequent monthly DMR for that reporting period in accordance with PART III.D.4 of this permit, as follows below. Submit retest information clearly marked as such with the following month's DMR. Only results of valid tests are to be reported on the DMR.
- a. Pimephales promelas (Fathead minnow)
- (1) If the No Observed Effect Concentration (NOEC) for survival is less than the critical dilution, enter a '1'; otherwise, enter a '0' for Parameter No. TLP6C
 - (2) Report the NOEC value for survival, Parameter No. TOP6C
 - (3) Report the NOEC value for growth, Parameter No. TPP6C
 - (4) If the NOEC for growth is less than the critical dilution, enter a '1'; otherwise, enter a '0' for Parameter No. TGP6C
 - (5) Report the highest (critical dilution or control) Coefficient of Variation for growth, Parameter No. TQP6C
- b. Ceriodaphnia dubia
- (1) If the NOEC for survival is less than the critical dilution, enter a '1'; otherwise, enter a '0' for Parameter No. TLP3B
 - (2) Report the NOEC value for survival, Parameter No. TOP3B
 - (3) Report the NOEC value for reproduction, Parameter No. TPP3B
 - (4) If the NOEC for reproduction is less than the critical dilution, enter a '1'; otherwise, enter a '0' for Parameter No. TGP3B
 - (5) Report the higher (critical dilution or control) Coefficient of Variation for reproduction, Parameter No. TQP3B

E. TOXICITY REDUCTION EVALUATIONS (TREs)

TREs for lethal and sub-lethal effects are performed in a very similar manner. EPA Region 6 is currently addressing TREs as follows: a sub-lethal TRE (TRE_{SL}) is triggered based on three sub-lethal test failures while a lethal effects TRE (TRE_L) is triggered based on only two test failures for lethality. In addition, EPA Region 6 will consider the magnitude of toxicity and use flexibility when considering a TRE_{SL} where there are no effects at effluent dilutions of 75% or lower.

- i. Within ninety (90) days of confirming persistent toxicity, the permittee shall submit a Toxicity Reduction Evaluation (TRE) Action Plan and Schedule for conducting a TRE. The TRE Action Plan shall specify the approach and methodology to be used in performing the TRE. A Toxicity Reduction Evaluation is an investigation intended to determine those actions necessary to achieve compliance with water quality-based effluent limits by reducing an effluent's toxicity to an acceptable level. A TRE is defined as a step-wise process which combines toxicity testing and analyses of the physical and chemical characteristics of a toxic effluent to identify the constituents causing effluent toxicity and/or treatment methods which will reduce the effluent toxicity. The goal of the TRE is to maximally reduce the toxic effects of effluent at the critical dilution and includes the following:
 - a. Specific Activities. The plan shall detail the specific approach the permittee intends to utilize in conducting the TRE. The approach may include toxicity characterizations, identifications and confirmation activities, source evaluation, treatability studies, or alternative approaches. When the permittee conducts Toxicity Characterization Procedures the permittee shall perform multiple characterizations and follow the procedures specified in the documents 'Methods for Aquatic Toxicity Identification Evaluations: Phase I Toxicity Characterization Procedures' (EPA-600/6-91/003) and 'Toxicity Identification Evaluation: Characterization of Chronically Toxic Effluents, Phase I' (EPA-600/6-91/005F), or alternate procedures. When the permittee conducts Toxicity Identification Evaluations and Confirmations, the permittee shall perform multiple identifications and follow the methods specified in the documents 'Methods for Aquatic Toxicity Identification Evaluations, Phase II Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity' (EPA/600/R-92/080) and 'Methods for Aquatic Toxicity Identification Evaluations, Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity' (EPA/600/R-92/081), as appropriate.

The documents referenced above may be obtained through the National Technical Information Service (NTIS) by phone at (703) 487-4650, or by writing:

U.S. Department of Commerce
National Technical Information Service
5285 Port Royal Road
Springfield, VA 22161

- b. Sampling Plan (e.g., locations, methods, holding times, chain of custody, preservation, etc.). The effluent sample volume collected for all tests shall be adequate to perform the toxicity test, toxicity characterization, identification and confirmation procedures, and conduct chemical specific analyses when a probable toxicant has been identified;
 - c. Where the permittee has identified or suspects specific pollutant(s) and/or source(s) of effluent toxicity, the permittee shall conduct, concurrent with toxicity testing, chemical specific analyses for the identified and/or suspected pollutant(s) and/or source(s) of effluent toxicity. Where lethality was demonstrated within 48 hours of test initiation, each composite sample shall be analyzed independently. Otherwise the permittee may substitute a composite sample, comprised of equal portions of the individual composite samples, for the chemical specific analysis;
 - d. Quality Assurance Plan (e.g., QA/QC implementation, corrective actions, etc.); and
 - e. Project Organization (e.g., project staff, project manager, consulting services, etc.).
- ii. The permittee shall initiate the TRE Action Plan within thirty (30) days of plan and schedule submittal. The permittee shall assume all risks for failure to achieve the required toxicity reduction.
 - iii. The permittee shall submit a quarterly TRE Activities Report, with the Discharge Monitoring Report in the months of January, April, July and October, containing information on toxicity reduction evaluation activities including:
 - a. any data and/or substantiating documentation which identifies the pollutant(s) and/or source(s) of effluent toxicity;
 - b. any studies/evaluations and results on the treatability of the facility's effluent toxicity; and
 - c. any data which identifies effluent toxicity control mechanisms that will reduce

effluent toxicity to the level necessary to meet no significant toxicity at the critical dilution.

- iv. The permittee shall submit a Final Report on Toxicity Reduction Evaluation Activities no later than twenty-eight (28) months from confirming toxicity in the retests, which provides information pertaining to the specific control mechanism selected that will, when implemented, result in reduction of effluent toxicity to no significant toxicity at the critical dilution. The report will also provide a specific corrective action schedule for implementing the selected control mechanism.
- v. Quarterly testing during the TRE is a minimum monitoring requirement. EPA recommends that permittees required to perform a TRE not rely on quarterly testing alone to ensure success in the TRE, and that additional screening tests be performed to capture toxic samples for identification of toxicants. Failure to identify the specific chemical compound causing toxicity test failure will normally result in a permit limit for whole effluent toxicity limits per federal regulations at 40 CFR 122.44(d)(1)(v).

F. MONITORING FREQUENCY REDUCTION

- i. The permittee may apply for a testing frequency reduction upon the successful completion of the first four consecutive quarters or first twelve consecutive months (in accordance with Item A.i.) of testing for one or both test species, with no lethal or sub-lethal effects demonstrated at or below the critical dilution. If granted, the monitoring frequency for that test species may be reduced to and not less than twice per year.
- ii. CERTIFICATION - The permittee must certify in writing that no test failures have occurred and that all tests meet all test acceptability criteria in item C.i. above. In addition the permittee must provide a list with each test performed including test initiation date, species, NOECs for lethal and sub-lethal effects and the maximum coefficient of variation for the controls. Upon review and acceptance of this information the agency will issue a letter of confirmation of the monitoring frequency reduction. A copy of the letter will be forwarded to the agency's Permit Compliance System section to update the permit reporting requirements.
- iii. SUB-LETHAL OR SURVIVAL FAILURES - If any test fails the survival or sub-lethal endpoint at any time during the life of this permit, three monthly retests are required and the monitoring frequency for the affected test species shall be increased to once per quarter until the permit is re-issued. Monthly retesting is not required if the permittee is performing a TRE.

Any monitoring frequency reduction granted applies only until the expiration date of this permit, at which time the monitoring frequency for both test species reverts to once per quarter until the permit is re-issued.

12. Solids may be land applied under the terms of 4579-WR-5 (or future modifications of the No Discharge Permit) or dewatered then incinerated in the bark boiler.
13. The permittee may request a review of the monitoring frequencies for Total Phosphorous at the time of the next permit renewal. Upon request, the Division will review the effluent data submitted to date to determine any potential frequency reduction. The monitoring frequency reduction may, but will not necessarily, be applied for the three parameters to which this condition applies. The monitoring frequency will not be reduced to less than once per quarter for the months of November through April and once per six months for the months of May through October.
14. The permittee may apply for a waiver to the chloroform monitoring requirements at the internal outfalls if the requirements of 40 CFR 430.02(f) are met. The waiver may only be granted through a major permit modification.

PART III STANDARD CONDITIONS

SECTION A – GENERAL CONDITIONS

1. Duty to Comply

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

2. Penalties for Violations of Permit Conditions

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

3. Permit Actions

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

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

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

4. Toxic Pollutants

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

The permittee shall comply with effluent standards, narrative criteria, or prohibitions established under APCEC Rule No. 2, as amended, or Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

5. Civil and Criminal Liability

Except as provided in permit conditions for “Bypass of Treatment Facilities” (Part III.B.4), and “Upset” (Part III.B.5), nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Any false or materially misleading representation or concealment of information required to be reported by the provisions of this permit or applicable state and federal statutes or regulations which defeats the regulatory purposes of the permit may subject the permittee to criminal enforcement pursuant to the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. § 8-4-101 et seq.).

6. Oil and Hazardous Substance Liability

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

7. State Laws

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

8. Property Rights

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

9. Severability

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

10. Applicable Federal, State or Local Requirements

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

11. Permit Fees

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

SECTION B – OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

1. Proper Operation and Maintenance

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

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

2. Need to Halt or Reduce not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. Upon reduction, loss, or failure of the treatment facility, the permittee shall, to the extent necessary to maintain compliance with its permit, control production or discharges or both until the facility is restored or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power for the treatment facility is reduced, is lost, or alternate power supply fails.

3. Duty to Mitigate

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

4. Bypass of Treatment Facilities

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

A. Bypass not exceeding limitation

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

B. Notice

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

C. Prohibition of bypass

1. Bypass is prohibited and the Director may take enforcement action against a permittee for bypass, unless:
 - (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage.

- (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal or preventive maintenance.
 - (c) The permittee submitted notices as required by Part III.B.4.B.
2. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in Part III.B.4.C(1).

5. Upset Conditions

- A. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of Part III.B.5.B of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- B. Conditions necessary for demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - 1. An upset occurred and that the permittee can identify the specific cause(s) of the upset.
 - 2. The permitted facility was at the time being properly operated.
 - 3. The permittee submitted notice of the upset as required by Part III.D.6.
 - 4. The permittee complied with any remedial measures required by Part III.B.3.
- C. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

6. Removed Substances

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

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

7. Power Failure

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

SECTION C – MONITORING AND RECORDS

1. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge during the entire monitoring period. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water, or substance. Monitoring points shall not be changed without notification to and the approval of the Director. Intermittent discharge shall be monitored.

2. Flow Measurement

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

Calculated Flow Measurement

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

3. Monitoring Procedures

Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals frequent enough to insure accuracy of measurements and shall insure 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 insure the accuracy of all required analytical results shall be maintained by the permittee or designated commercial laboratory. At a minimum, spikes and duplicate samples are to be analyzed on 10% of the samples.

4. Penalties for Tampering

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

5. Reporting of Monitoring Results

Monitoring results must be reported on a Discharge Monitoring Report (DMR) form provided by the Division or other form/method approved in writing by the Division (e.g., electronic submittal of DMR once approved). Monitoring results obtained during the previous monitoring period shall be summarized and reported on a DMR form postmarked no later than the 25th day of the month or submitted electronically by 6:00 p.m. of the 25th, following the completed reporting period beginning on the effective date of the permit. When mailing the DMRs, duplicate copies of the forms signed and certified as required by Part III.D.11 and all other reports required by Part III.D, shall be submitted to the Director at the following address:

Enforcement Branch
Office of Water Quality
Arkansas Department of Energy and Environment
Division of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

If permittee uses outside laboratory facilities for sampling and/or analysis, the name and address of the contract laboratory shall be included on the DMR.

6. Additional Monitoring by the Permittee

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

7. Retention of Records

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

8. Record Contents

Records and monitoring information shall include:

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

9. Inspection and Entry

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

- A. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit.
- B. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit.
- C. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit.
- D. Sample, inspect, or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

SECTION D – REPORTING REQUIREMENTS

1. Planned Changes

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

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

2. Anticipated Noncompliance

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

3. Transfers

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

4. Monitoring Reports

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

5. Compliance Schedule

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

6. Twenty-four Hour Report

- A. The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain the following information:
1. A description of the noncompliance and its cause.
 2. The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue.
 3. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
- B. The following shall be included as information which must be reported within 24 hours:
1. Any unanticipated bypass which exceeds any effluent limitation in the permit.
 2. Any upset which exceeds any effluent limitation in the permit.
 3. Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in Part I of the permit to be reported within 24 hours to the Enforcement Section of the Office of Water Quality of the DEQ.
- C. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours to the Enforcement Section of the Office of Water Quality of the DEQ.

7. Other Noncompliance

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

8. Changes in Discharge of Toxic Substances for Industrial Dischargers

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

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

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

9. Duty to Provide Information

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

10. Duty to Reapply

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

11. Signatory Requirements

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

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

1. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
 - (a) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation.
 - (b) The manager of one or more manufacturing, production, or operation facilities, provided: the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and

accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

2. For a partnership or sole proprietorship: by a general partner or proprietor, respectively.
 3. For a municipality, State, Federal, or other public agency, by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:
 - (a) The chief executive officer of the agency.
 - (b) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
- B. All **reports** required by the permit and **other information** requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
1. The authorization is made in writing by a person described above.
 2. The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position).
 3. The written authorization is submitted to the Director.
- C. Certification. Any person signing a document under this section shall make the following certification:

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

12. Availability of Reports

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

13. Penalties for Falsification of Reports

The Arkansas Air and Water Pollution Control Act provides that any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this permit shall be subject to civil penalties specified in Part III.A.2 and/or criminal penalties under the authority of the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. § 8-4-101 et seq.).

14. Other Information

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

PART IV DEFINITIONS

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

1. **“Act”** means the Clean Water Act, Public Law 95-217 (33.U.S.C. 1251 et seq.) as amended.
2. **“Administrator”** means the Administrator of the U.S. Environmental Protection Agency.
3. **“APCEC”** means the Arkansas Pollution Control and Ecology Commission.
4. **“Applicable effluent standards and limitations”** means all State and Federal effluent standards and limitations to which a discharge is subject under the Act, including, but not limited to, effluent limitations, standards of performance, toxic effluent standards and prohibitions, and pretreatment standards.
5. **“Applicable water quality standards”** means all water quality standards to which a discharge is subject under the federal Clean Water Act and which has been (a) approved or permitted to remain in effect by the Administrator following submission to the Administrator pursuant to Section 303(a) of the Act, or (b) promulgated by the Director pursuant to Section 303(b) or 303(c) of the Act, and standards promulgated under (APCEC) Rule No. 2, as amended.
6. **“Best Management Practices (BMPs)”** are activities, practices, maintenance procedures, and other management practices designed to prevent or reduce the pollution of waters of the State. BMPs also include treatment technologies, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw sewage. BMPs may include structural devices or nonstructural practices.
7. **“Bypass”** means the intentional diversion of waste streams from any portion of a treatment facility, as defined at 40 CFR 122.41(m)(1)(i).
8. **“Composite sample”** is a mixture of grab samples collected at the same sampling point at different times, formed either by continuous sampling or by mixing a minimum of 4 effluent portions collected at equal time intervals (but not closer than one hour apart) during operational hours, within the 24-hour period, and combined proportional to flow or a sample collected at more frequent intervals proportional to flow over the 24-hour period.
9. **“Daily Discharge”** means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling.
 - A. **Mass Calculations:** For pollutants with limitations expressed in terms of mass, the “daily discharge” is calculated as the total mass of pollutant discharged over the sampling day.
 - B. **Concentration Calculations:** For pollutants with limitations expressed in other units of measurement, the “daily discharge” is calculated as the average measurement of the pollutant over the day.
10. **“Daily Maximum”** discharge limitation means the highest allowable “daily discharge” during the calendar month.
11. **“Division”** means the Arkansas Division of Environmental Quality (**DEQ**).
12. **“Director”** means the Director of the Arkansas Division of Environmental Quality.

13. **“Dissolved oxygen limit”** shall be defined as follows:
 - A. When limited in the permit as a minimum monthly average, shall mean the lowest acceptable monthly average value, determined by averaging all samples taken during the calendar month.
 - B. When limited in the permit as an instantaneous minimum value, shall mean that no value measured during the reporting period may fall below the stated value.
14. **“E-Coli”** a sample consists of one effluent grab portion collected during a 24-hour period at peak loads. For E-Coli, report the Daily Maximum as the highest “daily discharge” during the calendar month, and the Monthly Average as the geometric mean of all “daily discharges” within a calendar month, in colonies per 100 ml.
15. **“Fecal Coliform Bacteria (FCB)”** a sample consists of one effluent grab portion collected during a 24-hour period at peak loads. For FCB, report the Daily Maximum as the highest “daily discharge” during the calendar month, and the Monthly Average as the geometric mean of all “daily discharges” within a calendar month, in colonies per 100 ml.
16. **“Grab sample”** means an individual sample collected in less than 15 minutes in conjunction with an instantaneous flow measurement.
17. **“Industrial User”** means a nondomestic discharger, as identified in 40 CFR Part 403, introducing pollutants to a POTW.
18. **“Instantaneous flow measurement”** means the flow measured during the minimum time required for the flow-measuring device or method to produce a result in that instance. To the extent practical, instantaneous flow measurements coincide with the collection of any grab samples required for the same sampling period so that together the samples and flow are representative of the discharge during that sampling period.
19. **“Instantaneous Maximum”** when limited in the permit as an instantaneous maximum value, shall mean that no value measured during the reporting period may fall above the stated value.
20. **“Instantaneous Minimum”** an instantaneous minimum value, shall mean that no value measured during the reporting period may fall below the stated value.
21. **“Monthly Average”** means the highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month. For Fecal Coliform Bacteria (FCB) or E-Coli, report the Monthly Average as the geometric mean of all “daily discharges” within a calendar month.
22. **“Monitoring and Reporting”**

When a permit becomes effective, monitoring requirements are of the immediate period of the permit effective date. Where the monitoring requirement for an effluent characteristic is monthly or more frequently, the Discharge Monitoring Report (DMR) shall be submitted by the 25th of the month following the sampling. Where the monitoring requirement for an effluent characteristic is Quarterly, Semi-Annual, Annual, or Yearly, the DMR shall be submitted by the 25th of the month following the monitoring period end date.

 - A. **MONTHLY:**

is defined as a calendar month or any portion of a calendar month for monitoring requirement frequency of once/month or more frequently.

B. BI-MONTHLY:

is defined as two (2) calendar months or any portion of 2 calendar months for monitoring requirement frequency of once/2 months or more frequently.

C. QUARTERLY:

1. is defined as a **fixed calendar quarter** or any part of the fixed calendar quarter for a non-seasonal effluent characteristic with a measurement frequency of once/quarter. Fixed calendar quarters are: January through March, April through June, July through September, and October through December.

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

D. SEMI-ANNUAL:

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

E. ANNUAL or YEARLY:

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

23. **“National Pollutant Discharge Elimination System”** means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements under Sections 307, 402, 318, and 405 of the Clean Water Act.
24. **“POTW”** means Publicly Owned Treatment Works;
25. **“Reduction of CBOD5/BOD5 and TSS in mg/l Formula”**
$$[(\text{Influent} - \text{Effluent}) / \text{Influent}] \times 100$$
26. **“Severe property damage”** means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in products.
27. **“Sewage sludge”** means the solids, residues, and precipitate separated from or created in sewage by the unit processes at a POTW. Sewage as used in this definition means any wastes, including wastes from humans, households, commercial establishments, industries, and stormwater runoff that are discharged to or otherwise enter a POTW.
28. **“7-Day Average”** Also known as “average weekly” means the highest allowable average of “daily discharges” over a calendar week, calculated as the sum of all “daily discharges” measured during a calendar week divided by the number of “daily discharges” measured during that week. The 7-Day Average for Fecal Coliform Bacteria (FCB) or E-Coli is the geometric mean of the “daily discharges” of all effluent samples collected during a calendar week in colonies per 100 ml.

29. **“Treatment works”** means any devices and systems used in storage, treatment, recycling, and reclamation of municipal sewage and industrial wastes, of a liquid nature to implement section 201 of the Act, or necessary to recycle reuse water at the most economic cost over the estimated life of the works, including intercepting sewers, sewage collection systems, pumping, power and other equipment, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities, and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.
30. **Units of Measure:**
 “MGD” shall mean million gallons per day.
 “mg/l” shall mean milligrams per liter or parts per million (ppm).
 “µg/l” shall mean micrograms per liter or parts per billion (ppb).
 “cfs” shall mean cubic feet per second.
 “ppm” shall mean parts per million.
 “s.u.” shall mean standard units.
31. **“Upset”** means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. Any upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, lack of preventive maintenance, or careless of improper operations.
32. **“Visible sheen”** means the presence of a film or sheen upon or a discoloration of the surface of the discharge. A sheen can also be from a thin glistening layer of oil on the surface of the discharge.
33. **“Weekday”** means Monday – Friday.

Final Fact Sheet

All changes to the Fact Sheet based upon the permit application are italicized.

This is a modified permit. Only the modified portions of the permit are open for comment. This Fact Sheet is for information and justification of the permit limits only. Please note that it is not enforceable. This permitting decision is for *modification* of the discharge Permit Number AR0001970 with Arkansas Department of Energy and Environment – Division of Environmental Quality (DEQ) Facility Identification Number (AFIN) 35-00016 to discharge to Waters of the State.

1. PERMITTING AUTHORITY.

The issuing office is:

Arkansas Department of Energy and Environment
Division of Environmental Quality
5301 Northshore Drive
North Little Rock, Arkansas 72118-5317

2. APPLICANT.

The applicant's mailing address and physical location is:

Evergreen Packaging LLC - Pine Bluff Mill
5201 Fairfield Road
Pine Bluff, AR 71601

3. PREPARED BY.

The permit was prepared by:

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4. PERMIT ACTIVITY.

<i>Current Permit Effective Date:</i>	<i>January 1, 2017</i>
<i>Current Permit Minor Modification Effective Date:</i>	<i>February 1, 2018</i>
<i>Current Permit Expiration Date:</i>	<i>December 31, 2021</i>

The permittee submitted an application on February 13, 2020, to modify NPDES Permit No. AR0001970. The permit modification application is requesting that the Adsorbable Organic Halogens (AOX) monitoring frequency at Outfall 001 be reduced from once per day to once per week. See Item No. 14 of this Fact Sheet for additional information.

The current discharge permit is modified for the remainder of the 5-year term in accordance with regulations promulgated at 40 CFR Part 122.46(a).

DOCUMENT ABBREVIATIONS

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

BAT - best available technology economically achievable
BCT - best conventional pollutant control technology
BMP - best management practice
BOD₅ - five-day biochemical oxygen demand
BPJ - best professional judgment
BPT - best practicable control technology currently available
CBOD₅ - carbonaceous biochemical oxygen demand
CD - critical dilution
CFR - Code of Federal Regulations
cfs - cubic feet per second
COD - chemical oxygen demand
COE - United States Corp of Engineers
CPP - continuing planning process
CWA - Clean Water Act
DMR - discharge monitoring report
DO - dissolved oxygen
ELG - effluent limitation guidelines
EPA - United States Environmental Protection Agency
ESA - Endangered Species Act
FCB - fecal coliform bacteria
gpm - gallons per minute
MGD - million gallons per day
MQL - minimum quantification level
NAICS - North American Industry Classification System
NH₃-N - ammonia nitrogen
NO₃ + NO₂-N - nitrate + nitrite nitrogen
NPDES - National Pollutant Discharge Elimination System
O&G - oil and grease
Rule 2 - APCEC Rule No. 2
Rule 6 - APCEC Rule No. 6
Rule 8 - APCEC Rule No. 8
Rule 9 - APCEC Rule No. 9
RP - reasonable potential

SIC - standard industrial classification
TDS - total dissolved solids
TMDL - total maximum daily load
TP - total phosphorus
TRC - total residual chlorine
TSS - total suspended solids
UAA - use attainability analysis
USF&WS - United States Fish and Wildlife Service
USGS – United States Geological Survey
WET - Whole effluent toxicity
WQMP - water quality management plan
WQS - Water Quality standards
WWTP - wastewater treatment plant

Compliance and Enforcement History:

Compliance and Enforcement History for this facility can be reviewed by using the following web link:

https://www.adeg.state.ar.us/downloads/WebDatabases/PermitsOnline/NPDES/PermitInformation/AR0001970_Evergreen%20Pkg%20Compliance%20Check_20160121.pdf

5. SIGNIFICANT CHANGES FROM THE PREVIOUSLY ISSUED PERMIT.

The permittee is responsible for carefully reading the permit in detail and becoming familiar with all of the changes therein:

Items 1 and 2 below were changes made during the last renewal. These changes are not open for comment at this time.

1. The descriptions of the monitoring locations for Outfalls 001 and 002 have been changed from coordinates to a narrative description. This will allow for small changes in the monitoring location without the need to modify the permit.
2. The monitoring frequency for Nitrates plus Nitrites has been changed to once per quarter for the months of November through April and to once per six months for the months of May through October. See Item No. 14 of this Fact Sheet for additional information. The monitoring frequencies for NH₃-N were also reduced based upon a comment the permittee submitted on the draft permit.

This is a modified draft permit. Only the modified portions of the permit were open for comments pursuant to 40 CFR 122.62.

3. *The AOX monitoring frequency at Outfall 001 has been reduced from once per day to once per week. See Item No. 14 of this Fact Sheet for additional information.*

6. RECEIVING STREAM SEGMENT AND DISCHARGE LOCATION.

The outfalls are located at the following coordinates based on the previous permit and the renewal application using NAD27:

Outfall 001

Latitude: 34° 14' 10" N; Longitude: 91° 53' 50" W

The receiving waters named:

Arkansas River in Segment 3C of the Arkansas River Basin. The receiving stream with USGS Hydrologic Unit Code (H.U.C) of 11110207 and reach # 001 is a Water of the State classified for primary and secondary contact recreation, raw water source for domestic (public and private), industrial, and agricultural water supplies, propagation of desirable species of fish and other aquatic life, and other compatible uses.

Outfall 002

Latitude: 34° 13' 10"; Longitude: 91° 54' 10"

The receiving waters named:

an unnamed tributary of Cousart Bayou, thence to Cousart Bayou, thence to Bayou Bartholomew, thence to the Ouachita River in Segment 2B the Ouachita River Basin. The receiving stream with USGS Hydrologic Unit Code (H.U.C) of 08040205 and reach #805 is a Water of the State classified for secondary contact recreation, raw water source for domestic (public and private), industrial, and agricultural water supplies, propagation of desirable species of fish and other aquatic life, and other compatible uses.

7. 303(d) LIST, TOTAL MAXIMUM DAILY LOADS, ENDANGERED SPECIES, AND ANTI-DEGRADATION CONSIDERATIONS.

A. 303(d) List

Outfall 001

Reach #001 of the Arkansas River in H.U.C. 11110207 is on the 2008 303(d) list in Category 5b for Beryllium due to unknown causes. Stream segments listed in Category 5b are those which are not meeting water quality standards; however possible changes to water quality standards may result in the de-listing of the stream segment. The water quality standard for Beryllium was changed in Rule 2.508 and has also been approved by the EPA. Therefore, no permit action is necessary regarding this listing.

Although they may not be used for permitting purposes, it is important to note that the draft 303(d) lists for 2010, 2012, and 2014 do not list this stream segment as impaired due to Beryllium.

Outfall 002

Bayou Bartholomew is on the 2008 303(d) list in Category 5f for DO and Lead and in Category 5d for zinc. Category 5d contains those stream segments which are in need of additional information to verify the accuracy of the assessment. Category 5f contains stream segments where the basis for not meeting an applicable water quality standard is not caused by a pollutant but rather other types of pollution.

Since discharges from this outfall are infrequent in nature (none have occurred during the term of the previous permit), will travel over 10 miles before reaching Bayou Bartholomew, and the category of the listings indicate the assessments must be verified or are not caused by the point source discharge, no action will be taken regarding these listings. The Division reserves the right to reopen the permit to include additional limits at Outfall 002 if the discharges begin to occur on a more regular basis.

B. Applicable Total Maximum Daily Load (TMDL) Reports

The Division recognizes that several segments of Bayou Bartholomew are on the 2008 303(d) list with completed TMDLs for Chlorides, Sulfates, Total Dissolved Solids, and Turbidity. The TMDLs do not include this facility. Therefore, no action is necessary regarding these parameters.

C. Endangered Species

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

D. Anti-Degradation

The limitations and requirements set forth in this permit for discharge into waters of the State are consistent with the Anti-degradation Policy and all other applicable water quality standards found in APC&EC Rule No. 2.

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

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

- A. Average Flow: Outfall 001 – 24.33 MGD
 Outfall 002 – variable
- B. Type of Treatment: Outfall 001 - settling pond (serving the chip mill wood storage area), primary clarifier, nitrogen based nutrient addition after clarifier as necessary, segregated aeration pond, phosphoric acid treatment at segregated aeration pond as necessary, secondary aeration, wetlands treatment (for approximately 1/4 of wastewater), and polishing pond (referred to as Johnson's Lake)
 Outfall 002 - none
- C. Discharge Description:
 Outfall 001 – Wood Pulping and Bleaching process water, Power Generation and Chemical Recovery process water (this includes non-contact cooling water, compressor wash water and boiler chemical cleaning), Papermaking process water, Sanitary Wastewater, Stormwater Runoff, Chip Mill Sprinkled Wood Storage Return, Landfill Leachate, and Pine Bluff Energy Center Contribution (this includes cooling tower blowdown, and Heat Recovery Steam Generator (HRSG) blowdown).
 Outfall 002 – non-contact cooling water and stormwater runoff.
- D. Facility Status: This facility was evaluated using the NPDES Permit Rating Worksheet (MRAT) to determine the correct permitting status. Since the facility's MRAT score of 180 is more than 80, this facility is classified as a major industrial.
- E. Facility Construction: This permit does not authorize or approve the construction or modification of any part of the treatment system or facilities. Approval for such construction must be by permit issued under Rule 6.202.

9. **ACTIVITY.**

Under the Standard Industrial Classification (SIC) codes of 2611, 2621, and 2631 or North American Industry Classification System (NAICS) codes of 322110, 322130, and 322121, the applicant's activities are the operation of a paper production facility.

10. SOLIDS PRACTICES.

Solids may be land applied under the terms of 4579-WR-5 or dewatered then incinerated in the bark boiler.

11. DEVELOPMENT AND BASIS FOR PERMIT CONDITIONS.

The Division of Environmental Quality has determined to issue a permit for the discharge described in the application. Permit requirements are based on federal regulations (40 CFR Parts 122, 124, and Subchapter N), the National Pretreatment Regulation in 40 CFR Part 403 and regulations promulgated pursuant to the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. 8-4-101 et seq.). All of the information contained in the application, including all of the submitted effluent testing data, was reviewed to determine the need for effluent limits and other permit requirements.

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

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

Following regulations promulgated at 40 CFR Part 122.44, the permit limits are based on either technology-based effluent limits pursuant to 40 CFR Part 122.44 (a) or on State water quality standards and requirements pursuant to 40 CFR Part 122.44 (d), whichever are more stringent as follows. All units are mg/l unless otherwise specified.

Parameter	Water Quality-Based		Technology-Based		Previous Permit		Final Permit	
	Monthly Avg. mg/l	Daily Max. mg/l	Monthly Avg. mg/l	Daily Max. mg/l	Monthly Avg. mg/l	Daily Max. mg/l	Monthly Avg. mg/l	Daily Max. mg/l
Outfall 001								
BOD ₅	> 25528.8 lb/day*	> 48988.9 lb/day*	25528.8 lb/day	48988.9 lb/day	25528.8 lb/day	48988.9 lb/day	25528.8 lb/day	48988.9 lb/day
TSS	N/A	N/A	46561.1 lb/day	86608.2 lb/day	46561.1 lb/day	86608.2 lb/day	46561.1 lb/day	86608.2 lb/day
AOX	N/A	N/A	2080.2 lb/day	3175.4 lb/day	2080.2 lb/day	3175.4 lb/day	2080.2 lb/day	3175.4 lb/day
2,3,7,8-TCDD	N/A	N/A	Report pg/l	Report pg/l	0.00026 lb/day	0.0010 lb/day	Report pg/l	Report pg/l
TP	N/A	N/A	Report	Report	Report	Report	Report	Report
NO ₃ + NO ₂ -N	N/A	N/A	Report	Report	Report	Report	Report	Report
NH ₃ -N	N/A	N/A	Report	Report	Report	Report	Report	Report
pH	6.0 - 9.0 s.u.		5.0 - 9.0 s.u.		6.0 - 9.0 s.u.		6.0 - 9.0 s.u.	

Parameter	Water Quality-Based		Technology-Based		Previous Permit		Final Permit	
	Monthly Avg. mg/l	Daily Max. mg/l	Monthly Avg. mg/l	Daily Max. mg/l	Monthly Avg. mg/l	Daily Max. mg/l	Monthly Avg. mg/l	Daily Max. mg/l
Outfall 002								
TSS	N/A	N/A	20	30	20	30	20	30
O&G	10	15	N/A	N/A	10	15	10	15
Temperature	89.6°F, Inst. Max.		N/A		89.6°F, Inst. Max.		89.6°F, Inst. Max.	
pH	6.0 - 9.0 s.u.		N/A		6.0 - 9.0 s.u.		6.0 - 9.0 s.u.	
Outfall 01A								
2,3,7,8-TCDF	N/A	N/A	N/A	31.9 pg/l	N/A	31.9 pg/l	N/A	31.9 pg/l
2,3,7,8-TCDD	N/A	N/A	N/A	<10 pg/l	N/A	<10 pg/l	N/A	<10 pg/l
Chloroform	N/A	N/A	2.22 lb/day	3.71 lb/day	2.22 lb/day	3.71 lb/day	2.22 lb/day	3.71 lb/day
Trichlorosyringol	N/A	N/A	N/A	<2.5 µg/l	N/A	<2.5 µg/l	N/A	<2.5 µg/l
3,4,5-trichlorocatechol	N/A	N/A	N/A	<5.0 µg/l	N/A	<5.0 µg/l	N/A	<5.0 µg/l
3,4,6-trichlorocatechol	N/A	N/A	N/A	<5.0 µg/l	N/A	<5.0 µg/l	N/A	<5.0 µg/l
3,4,5-trichloroguaiacol	N/A	N/A	N/A	<2.5 µg/l	N/A	<2.5 µg/l	N/A	<2.5 µg/l
3,4,6-trichloroguaiacol	N/A	N/A	N/A	<2.5 µg/l	N/A	<2.5 µg/l	N/A	<2.5 µg/l
4,5,6-trichloroguaiacol	N/A	N/A	N/A	<2.5 µg/l	N/A	<2.5 µg/l	N/A	<2.5 µg/l
2,4,5-trichlorophenol	N/A	N/A	N/A	<2.5 µg/l	N/A	<2.5 µg/l	N/A	<2.5 µg/l
2,4,6-trichlorophenol	N/A	N/A	N/A	<2.5 µg/l	N/A	<2.5 µg/l	N/A	<2.5 µg/l
Tetrachlorocatechol	N/A	N/A	N/A	<5.0 µg/l	N/A	<5.0 µg/l	N/A	<5.0 µg/l
Tetrachloroguaiacol	N/A	N/A	N/A	<5.0 µg/l	N/A	<5.0 µg/l	N/A	<5.0 µg/l
2,3,4,6-tetrachlorophenol	N/A	N/A	N/A	<2.5 µg/l	N/A	<2.5 µg/l	N/A	<2.5 µg/l
Pentachlorophenol	N/A	N/A	N/A	<5.0 µg/l	N/A	<5.0 µg/l	N/A	<5.0 µg/l
OUTFALL 01B (All units are mg/l unless otherwise specified.)								
2,3,7,8-TCDF	N/A	N/A	N/A	31.9 pg/l	N/A	31.9 pg/l	N/A	31.9 pg/l

Parameter	Water Quality-Based		Technology-Based		Previous Permit		Final Permit	
	Monthly Avg. mg/l	Daily Max. mg/l	Monthly Avg. mg/l	Daily Max. mg/l	Monthly Avg. mg/l	Daily Max. mg/l	Monthly Avg. mg/l	Daily Max. mg/l
2,3,7,8-TCDD	N/A	N/A	N/A	<10 pg/l	N/A	<10 pg/l	N/A	<10 pg/l
Chloroform	N/A	N/A	11.61 lb/day	19.40 lb/day	11.61 lb/day	19.40 lb/day	11.61 lb/day	19.40 lb/day
Trichlorosyringol	N/A	N/A	N/A	<2.5 µg/l	N/A	<2.5 µg/l	N/A	<2.5 µg/l
3,4,5-trichlorocatechol	N/A	N/A	N/A	<5.0 µg/l	N/A	<5.0 µg/l	N/A	<5.0 µg/l
3,4,6-trichlorocatechol	N/A	N/A	N/A	<5.0 µg/l	N/A	<5.0 µg/l	N/A	<5.0 µg/l
3,4,5-trichloroguaiacol	N/A	N/A	N/A	<2.5 µg/l	N/A	<2.5 µg/l	N/A	<2.5 µg/l
3,4,6-trichloroguaiacol	N/A	N/A	N/A	<2.5 µg/l	N/A	<2.5 µg/l	N/A	<2.5 µg/l
4,5,6-trichloroguaiacol	N/A	N/A	N/A	<2.5 µg/l	N/A	<2.5 µg/l	N/A	<2.5 µg/l
2,4,5-trichlorophenol	N/A	N/A	N/A	<2.5 µg/l	N/A	<2.5 µg/l	N/A	<2.5 µg/l
2,4,6-trichlorophenol	N/A	N/A	N/A	<2.5 µg/l	N/A	<2.5 µg/l	N/A	<2.5 µg/l
Tetrachlorocatechol	N/A	N/A	N/A	<5.0 µg/l	N/A	<5.0 µg/l	N/A	<5.0 µg/l
Tetrachloroguaiacol	N/A	N/A	N/A	<5.0 µg/l	N/A	<5.0 µg/l	N/A	<5.0 µg/l
2,3,4,6-tetrachlorophenol	N/A	N/A	N/A	<2.5 µg/l	N/A	<2.5 µg/l	N/A	<2.5 µg/l
Pentachlorophenol	N/A	N/A	N/A	<5.0 µg/l	N/A	<5.0 µg/l	N/A	<5.0 µg/l

*Technology based limits modeled to determine compliance with water quality standards.

A. Justification for Limitations and Conditions of the Permit

Parameter	Water Quality or Technology	Justification
OUTFALL 001		
BOD ₅	Technology	40 CFR Part 430, Subparts B and G, 40 CFR 122.44(l), and previous permit
TSS	Technology	40 CFR Part 430, Subparts B and G, 40 CFR 122.44(l), and previous permit
AOX	Technology	40 CFR 430.24(a)(1) , 40 CFR 122.44(l), and previous permit
2,3,7,8-TCDD	Technology	Judgment of permit writer, 40 CFR 122.44(l), and previous permit
TP	Technology	Judgment of permit writer, 40 CFR 122.44(l), and previous permit
NO ₃ + NO ₂ -N	Technology	Judgment of permit writer, 40 CFR 122.44(l), and previous permit
NH ₃ -N	Technology	Judgment of permit writer, 40 CFR 122.44(l), and previous permit
pH	Water Quality	Rule 2.504, CWA §402(o), and previous permit
OUTFALL 002		
TSS	Technology	40 CFR 122.44(l) and previous permit
O&G	Water Quality	Rule 2.510, CWA §402(o), and previous permit
Temperature	Water Quality	Rule 2.502, CWA §402(o), and previous permit
pH	Water Quality	Rule 2.504, CWA §402(o), and previous permit
OUTFALLS 01A and 01B		
2,3,7,8-TCDF	Technology	40 CFR 430.24(a)(1) , 40 CFR 122.44(l), and previous permit
2,3,7,8-TCDD	Technology	40 CFR 430.24(a)(1) , 40 CFR 122.44(l), and previous permit
Chloroform	Technology	40 CFR 430.24(a)(1) , 40 CFR 122.44(l), and previous permit
Trichlorosyringol	Technology	40 CFR 430.24(a)(1) , 40 CFR 122.44(l), and previous permit
3,4,5-trichlorocatechol	Technology	40 CFR 430.24(a)(1) , 40 CFR 122.44(l), and previous permit
3,4,6-trichlorocatechol	Technology	40 CFR 430.24(a)(1) , 40 CFR 122.44(l), and previous permit
3,4,5-trichloroguaiacol	Technology	40 CFR 430.24(a)(1) , 40 CFR 122.44(l), and previous permit
3,4,6-trichloroguaiacol	Technology	40 CFR 430.24(a)(1) , 40 CFR 122.44(l), and previous permit
4,5,6-trichloroguaiacol	Technology	40 CFR 430.24(a)(1) , 40 CFR 122.44(l), and previous permit

Parameter	Water Quality or Technology	Justification
2,4,5-trichlorophenol	Technology	40 CFR 430.24(a)(1) , 40 CFR 122.44(l), and previous permit
2,4,6-trichlorophenol	Technology	40 CFR 430.24(a)(1) , 40 CFR 122.44(l), and previous permit
Tetrachlorocatechol	Technology	40 CFR 430.24(a)(1) , 40 CFR 122.44(l), and previous permit
Tetrachloroguaiacol	Technology	40 CFR 430.24(a)(1) , 40 CFR 122.44(l), and previous permit
2,3,4,6-tetrachlorophenol	Technology	40 CFR 430.24(a)(1) , 40 CFR 122.44(l), and previous permit
Pentachlorophenol	Technology	40 CFR 430.24(a)(1) , 40 CFR 122.44(l), and previous permit

Information to warrant adding, removing, or revising any limitations in the permit was not received during the renewal process. Therefore, the limitations in the permit are consistent with the limitations in the previous permit. See Section 11.E below for additional information.

B. Anti-backsliding

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

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

C. Limits Calculations

1. Mass limits

Outfall 001

The permit only contains mass limits for BOD₅, TSS, and AOX because this outfall discharges directly into a large receiving stream, the Arkansas River. Only mass limits have been included in the WQMP for BOD₅ and TSS.

Section 5.7.1 of the Technical Support Document for Water-Quality Based Toxics Control states that mass based limits are particularly important for bioconcentratable pollutants. (The 2,3,7,8-TCDD standard in Rule 2 is a bioaccumulation standard.) Concentration based limits will not adequately control discharges of these pollutants if the effluent concentrations are below detection levels. For these pollutants,

controlling mass loadings to the receiving water is critical for preventing adverse environmental impacts.

If the ratio of the long term average flow of the Arkansas River (approximately 47,000 cfs) to the highest monthly average effluent flow (37.59 cfs) is sufficient (described as greater than 100:1), concentration limits are not necessarily required to maintain the water quality standards in the receiving stream. For this facility, the ratio of the long term average flow of the Arkansas River to the highest monthly average effluent flow is over 900:1. Therefore, there is considered to be sufficient dilution in the receiving stream and concentration limits for this parameter are not required.

Outfall 002

The permit does not contain mass limits at Outfall 002 due to the infrequent nature of the discharge from this outfall. A discharge from Outfall 002 has not occurred during the term of the current permit.

Historically, stormwater runoff from the east side of the mill drained to Outfall 002. Several of the storm sewers that conveyed runoff from the mill area to Outfall 002 have since been blocked in an effort to isolate this outfall from industrial activity. In addition, flow to Outfall 002 is ordinarily rerouted to the process sewer system.

This outfall will remain in the permit in the event that the permittee cannot reroute the runoff to Outfall 001.

Outfalls 01A and 01B

The permit does not contain mass limits for these outfalls because the levels of the permitted parameters are required to be less than the detection levels with the exception of Chloroform.

The permit only contains mass limits for Chloroform because Outfalls 01A and 01B are internal outfalls. The discharges from these internal outfalls are routed through the wastewater treatment system associated with Outfall 001.

2. Daily Maximum Limits

Outfall 001, Internal Outfall 01A, and Internal Outfall 01B

The daily maximum limit for Outfalls 001, 01A, and 01B are based on 40 CFR Part 430 Subparts B and G.

Outfall 002

The daily maximum limit for TSS is based on Section 5.4.2 of the Technical Support Document for Water Quality-Based Toxics Control.

Daily Maximum limits = Monthly average limits X 1.5

The daily maximum limit for O & G is based on Rule 2.510.

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

No changes to the 208 Plan are occurring with this permit modification.

E. **Applicable Effluent Limitations Guidelines**

Discharges from facilities of this type are covered by Federal effluent limitations guidelines promulgated under 40 CFR Part 430, Subparts B and G – The Pulp, Paper, and Paperboard Point Source Category, Bleached Papergrade Kraft and Soda Subcategory and Mechanical Pulp Subcategory.

The production data submitted with the reapplication was found to agree with past production data upon which prior permits have been based. The present technology-based limits and monitoring requirements are continued based on the previous discharge permit, 40 CFR Part 430 and 40 CFR Part 122.44(1).

F. **Priority Pollutant Scan (PPS)**

DEQ has reviewed and evaluated the effluent in accordance with the potential toxicity of each analyzed pollutant using the procedures outlined in the Continuing Planning Process (CPP).

The concentration of each pollutant after mixing with the receiving stream was compared to the applicable water quality standards as established in the Arkansas Water Quality Standards (AWQS), Rule No. 2 (Rule 2.508) and criteria obtained from the "Quality Criteria for Water, 1986 (Gold Book)".

Under Federal Regulation 40 CFR Part 122.44(d), as adopted by Rule No. 6, if a discharge poses the reasonable potential to cause or contribute to an exceedance above a water quality standard, the permit must contain an effluent limitation for that pollutant.

Effluent limitations for the toxicants listed below have been derived in a manner consistent with the Technical Support Document (TSD) for Water Quality-based Toxics Control (EPA, March 1991), the CPP, and 40 CFR Part 122.45(c).

The following items were used in calculations:

Parameter	Value	Source
Discharge Flow = Q	24.33 MGD = 37.59 cfs	DMR data, Nov. 2014
7Q10 Background Flow	819 cfs	U.S.G.S.
LTA Background Flow	47132 cfs	U.S.G.S.*
TSS	8.3 mg/l	CPP
Hardness as CaCO ₃	125 mg/l	CPP
pH	7.32 s.u.	ARK0049 average

*http://waterdata.usgs.gov/ar/nwis/annual/?referred_module=sw&site_no=07263450&por_07263450_5=279397.00060.5.1928.2014&year_type=W&format=html_table&date_format=YYYY-MM-DD&rdb_compression=file&submitted_form=parameter_selection_list

The following pollutants were reported:

Pollutant	Concentration Reported, µg/l	MQL, µg/l
Total Recoverable Arsenic	6.8	0.5
Total Recoverable Copper	8.6	0.5
Total Recoverable Nickel	5	0.5
Total Recoverable Selenium	4.2*	5
Total Phenols	25	5

*Geometric mean of four samples.

Instream Waste Concentrations (IWCs) were calculated in the manner described in Appendix D of the CPP and compared to the applicable Criteria. The following tables summarize the results of the analysis. The complete evaluation can be viewed on the Division's website at the following address:

https://www.adeg.state.ar.us/downloads/WebDatabases/PermitsOnline/NPDES/PermitInformation/AR0001970_Updated%20PPS_20160512.pdf

1. Aquatic Toxicity Evaluation

a. Acute Criteria Evaluation

Pollutant	Concentration Reported (C_e) $\mu\text{g/l}$	$C_e \times 2.13^1$	Instream Waste Concentration (IWC)	Criteria ²	Reasonable Potential (Yes/No)
			Acute, $\mu\text{g/l}$	Acute, $\mu\text{g/l}$	
Total Recoverable Copper	8.6	18.32	8.80	59.66	No
Total Recoverable Nickel	5	10.65	4.80	3864.19	No
Total Recoverable Selenium	4.2	8.96	3.88	20	No

¹ Statistical ratio used to estimate the 95th percentile using a single effluent concentration or the geometric mean of a dataset.

² Criteria are from Rule 2.508 unless otherwise specified.

b. Chronic Criteria Evaluation

Pollutant	Concentration Reported (C_e) $\mu\text{g/l}$	$C_e \times 2.13^1$	Instream Waste Concentration (IWC)	Criteria ²	Reasonable Potential (Yes/No)
			Chronic, $\mu\text{g/l}$	Chronic, $\mu\text{g/l}$	
Total Recoverable Copper	8.6	18.32	4.13	39.03	No
Total Recoverable Nickel	5	10.65	1.93	429.15	No
Total Recoverable Selenium	20	8.96	1.39	5	No

¹ Statistical ratio used to estimate the 95th percentile using a single effluent concentration or the geometric mean of a dataset.

² Criteria are from Rule 2.508 unless otherwise specified.

2. Human Health (Bioaccumulation) Evaluation

Pollutant	Concentration Reported (C_e) $\mu\text{g/l}$	$C_e \times 2.13^1$	Instream Waste Concentration (IWC)	Criteria ²	Reasonable Potential (Yes/No)
Total Recoverable Arsenic	6.8	14.48	1.45	1.6 ³	No
Total Phenols	25	53.25	0.80	4.0 ⁴	No

¹ Statistical ratio used to estimate the 95th percentile using a single effluent concentration or the geometric mean of a dataset.

- ² Criteria are from Rule 2.508 unless otherwise specified.
- ³ Adapted from "National Recommended Water Quality Criteria: 2002 – Human Health Criteria Calculation Matrix", EPA. The respective WQC from the noted reference are Consumption of Organism Only values. The values from the reference are for a lifetime risk factor of 10^{-6} . These values have been multiplied by 10 to correspond to human health criteria lifetime risk factor of 10^{-5} as stated in Rule 2.508.
- ⁴ Adapted from "EPA Freshwater Screening Benchmarks" used for Ecological Risk Assessment.

As can be seen in the tables above, the calculated IWCs are all lower than the referenced Arkansas Water Quality Criteria. Therefore, limits for those pollutants are not necessary to protect the water quality of the receiving stream.

12. WHOLE EFFLUENT TOXICITY.

Section 101(a)(3) of the Clean Water Act states that ".....it is the national policy that the discharge of toxic pollutants in toxic amounts be prohibited." In addition, DEQ is required under 40 CFR Part 122.44(d)(1), adopted by reference in Rule 6, to include conditions as necessary to achieve water quality standards as established under Section 303 of the Clean Water Act. Arkansas has established a narrative criteria which states "toxic materials shall not be present in receiving waters in such quantities as to be toxic to human, animal, plant or aquatic life or to interfere with the normal propagation, growth and survival of aquatic biota."

Whole effluent toxicity (WET) testing is the most direct measure of potential toxicity which incorporates the effects of synergism of effluent components and receiving stream water quality characteristics. It is the national policy of EPA to use bioassays as a measure of toxicity to allow evaluation of the effects of a discharge upon a receiving water (49 Federal Register 9016-9019, March 9, 1984). EPA Region 6 and the State of Arkansas are now implementing the Post Third Round Policy and Strategy established on September 9, 1992, and EPA Region 6 Post-Third Round Whole Effluent Toxicity Testing Frequencies, revised March 13, 2000. Whole effluent toxicity testing of the effluent is thereby required as a condition of this permit to assess potential toxicity. The whole effluent toxicity testing procedures stipulated as a condition of this permit are as follows:

TOXICITY TESTS	FREQUENCY
Chronic WET	Once/quarter

Requirements for measurement frequency are based on the CPP.

Although the 7Q10 is greater than 100 cfs (ft^3/sec), the ratio of the background flow to effluent flow is less than 100:1. Therefore, chronic WET testing requirements will be included in the permit.

Effluent flow = 37.59 cfs
7Q10 = 819 cfs
Qb = Background flow = $(0.25) \times 819 = 204.75$ cfs
ratio = $204.75 \text{ cfs} / 37.59 \text{ cfs} = 5.45:1$

The critical dilution and the dilution series will be continued unchanged from the previous permit.

Toxicity tests shall be performed in accordance with protocols described in "Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms", EPA/600/4-91/002, July 1994. A minimum of five effluent dilutions in addition to an appropriate control (0%) are to be used in the toxicity tests. These additional effluent concentrations are 8%, 11%, 15%, 20%, and 27% (See the CPP). The low-flow effluent concentration (critical dilution) is defined as 20% effluent. The requirement for chronic WET tests is based on the magnitude of the facility's discharge with respect to receiving stream flow. The stipulated test species, *Ceriodaphnia dubia* and the Fathead minnow (*Pimephales promelas*) are representative of organisms indigenous to the geographic area of the facility; the use of these is consistent with the requirements of the State water quality standards. The WET testing frequency has been established to provide data representative of the toxic potential of the facility's discharge, in accordance with the regulations promulgated at 40 CFR Part 122.48.

Results of all dilutions as well as the associated chemical monitoring of pH, temperature, hardness, dissolved oxygen conductivity, and alkalinity shall be reported according to EPA-821-R-02-013, October 2002 and shall be submitted as an attachment to the Discharge Monitoring Report (DMR).

This permit may be reopened to require further WET testing studies, Toxicity Reduction Evaluation (TRE) and/or effluent limits if WET testing data submitted to the Division shows toxicity in the permittee's discharge. Modification or revocation of this permit is subject to the provisions of 40 CFR 122.62, as adopted by reference in APC&EC Rule No. 6. Increased or intensified toxicity testing may also be required in accordance with Section 308 of the Clean Water Act and Section 8-4-201 of the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended).

Administrative Records

The following information summarized toxicity test submitted by the permittee during the term of the current permit at outfall 001.

Permit Number:	AR0001970	AFIN:	35-00016	Outfall Number:	001
Date of Review:	1/27/2016	Reviewer:	M. Barnett		
Facility Name:	Evergreen Packaging, Inc. - Pine Bluff Mill				
Previous Dilution series:	8, 11, 15, 20, 27	Proposed Dilution Series:	8, 11, 15, 20, 27		
Previous Critical Dilution:	20	Proposed Critical Dilution:	20		
Previous TRE activities:	None				
Frequency recommendation by species					
<i>Pimephales promelas</i> (Fathead minnow):	once per quarter				
<i>Ceriodaphnia dubia</i> (water flea):	once per quarter				

TEST DATA SUMMARY

TEST DATE	Vertebrate (<i>Pimephales promelas</i>)		Invertebrate (<i>Ceriodaphnia dubia</i>)	
	Lethal	Sub-Lethal	Lethal	Sub-Lethal
	NOEC	NOEC	NOEC	NOEC
12/31/2010	17	17	17	17
3/31/2011	17	17	17	17
6/30/2011	17	17	17	17
9/30/2011	17	17	17	17
12/31/2011	27	27	27	27
3/31/2012	27	27	27	27
6/30/2012	27	27	27	27
9/30/2012	27	27	27	27
12/31/2012	27	27	27	27
2/28/2013	27	27	27	15
3/31/2013	27	20	27	27
4/30/2013			27	27
5/31/2013	27	27	27	27
6/30/2013	27	27	27	27
9/30/2013	27	27	27	27
12/31/2013	27	27	27	27
3/31/2014	27	27	27	27
6/30/2014	27	27	0	0
7/30/2014			27	27
8/30/2014	27	27	27	27
9/30/2014			27	27
12/31/2014	27	27	27	20
3/31/2015	27	27	27	20
6/30/2015	27	27	27	27
9/30/2015	0	0	0	0
10/31/2015	27	27	27	27

Failures noted in BOLD

REASONABLE POTENTIAL CALCULATIONS

	Vertebrate Lethal	Vertebrate Sub-lethal	Invertebrate Lethal	Invertebrate Sub-Lethal
Min NOEC Observed	7	7	7	7
TU at Min Observed	14.29	14.29	14.29	14.29
Count	23	23	26	26
Failure Count	1	1	2	3
Mean	4.543	4.599	4.853	5.067
Std. Dev.	2.284	2.278	2.889	2.876
CV	0.5	0.5	0.6	0.6
RPMF	1.3	1.3	1.4	1.4
Reasonable Potential	3.714	3.714	4.000	4.000
100/Critical dilution	5.000	5.000	5.000	5.000
Does Reasonable Potential Exist	No	No	No	No

PERMIT ACTION

P. promelas lethal - monitoring
P. promelas sub-lethal - monitoring
C. dubia lethal - monitoring
C. dubia sub-lethal - monitoring

13. STORMWATER REQUIREMENTS.

The federal regulations at 40 CFR 122.26(b)(14) require certain industrial sectors to have NPDES permit coverage for stormwater discharges from the facility. These requirements include the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP) to control the quality of stormwater discharges from the facility. This facility was issued stormwater permit coverage under NPDES Tracking number ARR00A596.

14. SAMPLE TYPE AND FREQUENCY.

With the exception of the sampling frequency for Nitrates plus Nitrites and NH₃-N, requirements for sample type and sampling frequency have been based on the current discharge permit. The sampling frequency for Nitrates plus Nitrites has been reduced since every sample during the term of the previous permit was 0.5 mg/l or less. The parameter is remaining in the permit since the facility adds nutrients containing this parameter to the treatment system to aid in biological activity. The sampling frequency for NH₃-N has been reduced based on the data submitted during the term of the previous permit.

The AOX monitoring frequency has been reduced from once per day to once per week. The permittee has demonstrated that the average AOX levels over the past two years (February 2018 – January 2020) are less than 10% of the permitted level. Therefore, in accordance with EPA guidance, the Office of Water Quality will reduce the required monitoring frequency.

http://www.adeg.state.ar.us/downloads/WebDatabases/PermitsOnline/NPDES/PermitInformation/AR0001970_Performance%20Based%20Monitoring%20Frequency%20Reduction%20Calculations_20200326.pdf

Parameter	Current Permit		Final Permit	
	Frequency of Sample	Sample Type	Frequency of Sample	Sample Type
Outfall 001				
Flow	continuous	recorder	continuous	recorder
BOD ₅	three/week	composite	three/week	composite
TSS	three/week	composite	three/week	composite
AOX	once/day	composite	once/week	composite
2,3,7,8-TCDD	once/year	composite	once/year	composite

Parameter	Current Permit		Final Permit	
	Frequency of Sample	Sample Type	Frequency of Sample	Sample Type
TP				
(November – April)	once/month	composite	once/month	composite
(May – October)	once/quarter	composite	once/quarter	composite
NO ₃ + NO ₂ -N				
(November – April)	once/month	composite	once/quarter	composite
(May – October)	once/quarter	composite	once/6 months	composite
NH ₃ -N				
(November – April)	once/month	composite	once/quarter	composite
(May – October)	once/quarter	composite	once/6 months	composite
pH	three/week	grab	three/week	grab
Chronic WET Testing	once/quarter	composite	once/quarter	composite
Outfall 002				
Flow	once/day	instantaneous	once/day	instantaneous
TSS	two/month	grab	two/month	grab
O&G	two/month	grab	two/month	grab
Temperature	two/month	grab	two/month	grab
pH	two/month	grab	two/month	grab
Internal Outfalls 01A and 01B				
2,3,7,8-TCDF	once/month	composite	once/quarter	composite
2,3,7,8-TCDD	once/month	composite	once/quarter	composite
Chloroform	once/2 month	composite	once/2 month	composite
Trichlorosyringol	once/month	composite	once/quarter	composite
3,4,5-trichlorocatechol	once/month	composite	once/quarter	composite
3,4,6-trichlorocatechol	once/month	composite	once/quarter	composite
3,4,5-trichloroguaiacol	once/month	composite	once/quarter	composite
3,4,6-trichloroguaiacol	once/month	composite	once/quarter	composite
4,5,6-trichloroguaiacol	once/month	composite	once/quarter	composite

Parameter	Current Permit		Final Permit	
	Frequency of Sample	Sample Type	Frequency of Sample	Sample Type
2,4,5-trichlorophenol	once/month	composite	once/quarter	composite
2,4,6-trichlorophenol	once/month	composite	once/quarter	composite
Tetrachlorocatechol	once/month	composite	once/quarter	composite
Tetrachloroguaiacol	once/month	composite	once/quarter	composite
2,3,4,6-tetrachlorophenol	once/month	composite	once/quarter	composite
Pentachlorophenol	once/month	composite	once/quarter	composite

15. PERMIT COMPLIANCE SCHEDULE.

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

16. MONITORING AND REPORTING.

The applicant is at all times required to monitor the discharge on a regular basis and report the results monthly. The monitoring results will be available to the public.

17. SOURCES.

The following sources were used to draft the permit:

- A. Application No. AR0001970 received December 18, 2015, with all additional information received by February 10, 2016.
- B. *Application to modify NPDES Permit No. AR0001970 received February 13, 2020.*
- C. Arkansas Water Quality Management Plan (WQMP).
- D. APCEC Rule No. 2.
- E. APCEC Rule No. 3.
- F. APCEC Rule No. 6 which incorporates by reference certain federal regulations included in Title 40 of the Code of Federal Regulations at Rule 6.104.
- G. 40 CFR Parts 122 and 125.
- H. 40 CFR Part 430, Subparts B and G.
- I. Discharge permit file AR0001970.
- J. Discharge Monitoring Reports (DMRs).
- K. "2008 Integrated Water Quality Monitoring and Assessment Report", DEQ.
- L. "2008 List of Impaired Waterbodies (303(d) List)", DEQ, February 2008.
- M. USGS Scientific Investigation Report 2008-5065.
- N. Continuing Planning Process (CPP).
- O. Technical Support Document For Water Quality-based Toxic Control.
- P. [Inspection Report](#) dated May 15, 2014.

- Q. [Compliance Review Memo](#) from Layne Pemberton to Loretta Reiber, P.E. dated January 21, 2016.
- R. MultiSMP WQ Modeling Analysis dated March 22, 2016.
- S. Site visit on February 24, 2016, during which changes to the permit were discussed.
- T. Reach characteristics and coefficients from November 1995 Wasteload Allocation Survey.
- U. Figure 5-6 of 1992 HydroQual modeling report prepared for Georgia-Pacific Crossett for Pulp and Paper Mill Effluents for BOD_{ult}/BOD₅ ratio.
- V. Letter from EPA Region VI declining full review of draft permit dated June 27, 2016.
- W. Comment letter from permittee received September 26, 2016.
- X. Letter from Arkansas Department of Health to Jim Wise dated October 25, 2016, regarding fish tissue sampling.
- Y. *Compliance Review Memo from Layne Pemberton to Loretta Carstens, P.E. dated March 25, 2020.*
- Z. *Performance Based Monitoring Frequency Reduction spreadsheet dated March 26, 2020.*

18. PUBLIC NOTICE

The public notice of the draft permit was published for public comment on August 5, 2020. The last day of the comment period was thirty (30) days after the publication date. No public comments were received on the draft permit.

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

19. PERMIT FEE

In accordance with Rule No. 9.403(A)(1), the annual fee for the permit is \$15,000.

In accordance with Rule 9.403(A)(1)(c)(i), the fee for modification of a major non-municipal permit with a MRAT score over 100 is \$5000.

20. POINT OF CONTACT.

For additional information, contact:

Loretta Carstens, P.E.
Permits Branch, Office of Water Quality
Arkansas Department of Energy and Environment
Division of Environmental Quality
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