



ARKANSAS
Department of Environmental Quality

Permit Tracking Number: ARG160025
AFIN: 25-00028

**NOTICE OF COVERAGE (NOC)
SANITARY LANDFILL RUNOFF GENERAL PERMIT, ARG160000**

IESI AR Landfill Corporation
Attn: Dean Divalerio
100 Landfill Road
Cherokee Village, AR 72529

The Recertification Notice of Intent (NOI) for coverage under the above General Permit was received on 2/3/2015 and has been reviewed. The facility will continue coverage under the previously assigned Permit Tracking Number **ARG160025** and AFIN **25-00028**. Any permit-related correspondence must include these numbers. This NOC is issued to IESI AR Landfill Corporation in reliance upon the statements and representations made in the submittal for the following facility located in Fulton County:

Cherokee Sanitary Landfill, Inc.
300 Landfill Road
Cherokee Village, AR 72529

The facility's treatment system consists of a sedimentation pond.

Compliance with all conditions and limitations of the renewal general permit is required. A copy of the renewal general permit is available on the Department's website at the address below. Please be advised that the permit contains monitoring and reporting requirements. Pre-printed Discharge Monitoring Reports (DMRs) will be mailed to you at a later time by the Department.

http://www2.adeg.state.ar.us/water/branch_permits/general_permits/default.htm

Discharges allowed by the permit shall only occur at the following outfall location:

Outfall 001: Latitude 36° 16' 42.87" Longitude 91° 38' 15.73"

Outfall 002: Latitude 36° 16' 59.12" Longitude 91° 38' 59.32"

Original Coverage Date: 10/14/1999

Renewal Date: 03/01/2015

Expiration Date: 02/29/2020

Mo Shafii
Assistant Chief, Water Division

03/12/2015
Issue Date

Authorization to Construct and Discharge under the National Pollutant Discharge Elimination System and the Arkansas Water Pollution Control Act

In accordance with the provisions of the Arkansas Water Pollution Control Act (Act 472 of 1949, as amended, Ark. Code Ann. 8-4-101 et seq.), and the Clean Water Act (33 U.S.C. 1251 et seq.),

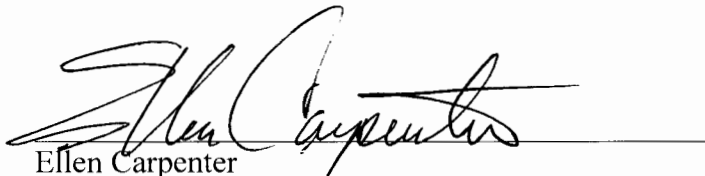
Sanitary Landfills Located within the State of Arkansas

are authorized to construct and discharge uncontaminated stormwater from sedimentation ponds to all receiving waters, except those receiving waters which are excluded in Part 1.4. of this general permit, in accordance with effluent limitations, monitoring requirements, and other conditions set forth in the permit.

After properly filing a Notice of Intent under Part 1, facilities that are eligible for coverage under this general permit, will receive a Notice of Coverage (NOC) letter, with a tracking number starting with ARG16, and a copy of the permit for the facility. The NOC letter includes the Department's determination that a facility is covered under this general permit and may specify alternate requirements outlined in the permit, such as modified sampling frequencies for certain parameters or the inclusion of monitoring for parameters in addition to those requiring regular monitoring.

Effective Date: March 1, 2015

Expiration Date: February 28, 2020


Ellen Carpenter
Chief, Water Division
Arkansas Department of Environmental Quality



Issue Date

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PART 1 COVERAGE UNDER THIS PERMIT

- 1.1. **Permit Area:** The area covered by this permit includes all areas within the State of Arkansas.
- 1.2. **Eligibility and Authorization**
- 1.2.1. This general permit covers construction and discharge of uncontaminated stormwater from Sanitary Landfills required to have sedimentation ponds to control uncontaminated stormwater runoff from inactive areas that commingle with closed portions of the landfill as defined in Part 7 and which meet the following criteria:
- 1.2.1.1. Sedimentation ponds have been designed and constructed with a storage capacity to handle runoff from a 25-year, 24-hour storm event; and
 - 1.2.1.2. In order for the ponds to maintain the required storage capacity stated in Part 1.2.1.1, operational procedures at the landfill shall include a requirement that sedimentation ponds be dewatered as soon as possible after a storm event and after sufficient settling to ensure that no effluent limitations will be exceeded.
- 1.2.2. Permit coverage is not required for stabilized, closed portions of the landfill if the stormwater runoff from the closed portions does not commingle with stormwater runoff from other portions of the landfill.
- 1.2.3. Facilities within the State of Arkansas discharging from an outfall as described in this permit must be authorized to discharge by either this general permit or an individual NPDES permit.
- 1.2.4. The operator of this wastewater treatment facility shall be licensed as a Basic Industrial Operator by the State of Arkansas in accordance with Arkansas Pollution Control and Ecology Commission (APC&EC) Regulation 3.
- 1.2.4.1. New Permittees shall have a Basic Industrial Operator license prior to permit application.

1.3. **Notification Requirements**

In order to discharge under this general permit, operators of a Sanitary Landfill wishing to be covered by this general permit must submit a Notice of Intent (NOI) in accordance with 40 CFR 122.28(b)(2)(ii) and construction information specified in Part 1.3.2 (if applicable) to the Department at the following address:

Arkansas Department of Environmental Quality
Water Division, General Permits
5301 Northshore Drive
North Little Rock, AR 72118

- 1.3.1 The Notice of Intent (NOI) must include the minimum following information:
- 1.3.1.1 the legal name and legal address of the operator; and
 - 1.3.1.2 the facility location (street address or legal description); and
 - 1.3.1.3 name and telephone number of the facility contact; and
 - 1.3.1.4 number and location of outfalls, including a brief narrative description of each; and
 - 1.3.1.5 name of receiving stream, stream segment and hydrological basin code; and
 - 1.3.1.6 actual or projected wastewater flow; and
 - 1.3.1.7 All notices of intent for coverage under this general permit must be signed and certified in accordance with the provisions of 40 CFR 122.22, as adopted by reference in Reg. 6; and
 - 1.3.1.8 A permit fee of \$400 as stated in Reg. 9.404 of the APC&EC; and
 - 1.3.1.9 A Disclosure Statement as required by Reg. 8.204 of the APC&EC; and

1.3.1.10 A topographic map indicating the location of each outfall to be covered under this permit;

1.3.2 Construction Requirements

- 1.3.2.1 Any facility that will require the construction of a sedimentation pond will require the submission of Arkansas Form 1 and design, plans, and specifications stamped by a Professional Engineer registered in the State of Arkansas in accordance with Regulation 6.202; and
- 1.3.2.2 The sedimentation pond shall be protected from physical damage by the one hundred (100) year flood and should remain fully operational and accessible during the twenty-five (25) year flood in accordance with Section 51.2 of the Ten State Standards; and
- 1.3.2.3 There should be a minimum separation of 4 feet between the bottom of the pond and the maximum ground water elevation in accordance with Section 93.22 of the Ten State Standards; and
- 1.3.2.4 There should be a minimum separation of 2 feet between the top liner and the top of the bedrock (as adapted from Regulation 22.431), except in the areas of the St. Joe and Boone formations, where a minimum separation of 10 feet will be required between the bottom liner and the highest point of the bedrock or pinnacles (as adapted from Regulation 22.425); and
- 1.3.2.5 Dikes and pond bottom shall be compacted to at least 95 percent Standard Proctor Density to form a stable structure in accordance with Section 93.411 and Section 93.421 of the Ten State Standards; and
- 1.3.2.6 Inner and outer dike slopes shall not be steeper than 1 vertical to 3 horizontal (1:3) in accordance with Section 93.413 of the Ten State Standards; and
- 1.3.2.7 Inner slopes should not be flatter than 1 vertical to 4 horizontal (1:4) in accordance with Section 93.414 of the Ten State Standards; and
- 1.3.2.8 Minimum freeboard shall be 2 feet in accordance with Section 93.415 of the Ten State Standards; and
- 1.3.2.9 Dikes shall have a covered layer of at least 4 inches of fertile topsoil to promote establishment of an adequate vegetative cover wherever riprap is not utilized. Erosion control on the interior dike slopes may be necessary for ponds which are subject to severe wave action in accordance with Section 93.417 of the Ten State Standards; and
- 1.3.2.10 The sedimentation pond must have a pond bottom liner with a permeability of less than 1×10^{-7} cm/sec and a thickness of at least 1 foot or equivalent before the start of operation in accordance with Section 93.422 of the Ten State Standards; and
- 1.3.2.11 A pond level gauge shall be provided in accordance with Section 93.56 of the Ten State Standards; and
- 1.3.2.12 The outfall structure must be designed in accordance with Section 55 of the Ten State Standards; and
- 1.3.2.13 An additional \$500 fee will be required based on Regulation 9.402(A).

1.3.3 A certification indicating that the ponds have been constructed in accordance with the plans, designs, and specifications based on the Ten State Standards (and listed in Part 1.3.2) must be submitted to the Department prior to commencing operation of the pond.

1.3.4 Requests for Coverage shall be submitted as follows:

- 1.3.4.1 For existing discharges covered under the expired General Permit (ARG160000), a Recertification NOI and all necessary information as stated above must be submitted prior to the effective date of the renewal general permit;
- 1.3.4.2 For new discharges, information listed in Part 1.3.1 and Part 1.3.2 (if applicable) must be completed and submitted to the Department no later than thirty (30) days prior to date coverage is desired.

1.3.5 NOI Review and Public Notification Process

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

Upon receipt of the Notice of Intent (NOI), ADEQ will review the submitted documents to ensure that all permit requirements are fulfilled. ADEQ may request additional information from the applicant if additional information is necessary to complete the NOI. If ADEQ makes a preliminary determination that the NOI is complete, the NOI will be made available for a five (5) business days public review and comment period on the ADEQ website. ADEQ will review comments received during this period and, if necessary, require the applicant to revise the NOI. If determined appropriate by ADEQ, the operator will be granted coverage under this general permit upon written notification by ADEQ.

Comments will only be considered if they regard a specific facility's NOI. Comments on the contents of the General Permit ARG160000 will not be considered during the public comment period for a specific facility's coverage under this permit.

1.4. **Exclusions**

This permit does not apply to discharges that meet any of the following conditions.

- 1.4.1. **Leachate is specifically prohibited from entering the sedimentation ponds.** No stormwater runoff from any active portion of the sanitary landfill shall be discharged to Waters of the State or the sedimentation pond. In an event that the leachate from an active portion of a landfill comeslingles with stormwater, the stormwater shall be handled as leachate and treated as such and an individual NPDES discharge permit is required.
- 1.4.2. Discharges located within the watershed of any water body or waterway designated as an Outstanding Resource Water as defined in the APC&EC Regulation No. 2.203, including ERWs, ESWs, and NSWs. For the purposes of this permit, the watershed of an Outstanding Resource Water will be identified by the United States Geological Survey's twelve (12) digit Hydrological Unit Code (HUC).
- 1.4.3. Direct discharges from a facility into a receiving water listed as impaired under Section 303(d) of the Clean Water Act, unless the facility:
 - 1.4.3.1 Prevents all exposure of the pollutant(s) for which the waterbody is impaired, or
 - 1.4.3.2 Documents that the pollutant(s) for which the waterbody is impaired is not present at the site, and retains documentation of this finding on-site.
- 1.4.4. Direct discharges from a facility into receiving waters for which there is an established Total Maximum Daily Load (TMDL) and the conditions of the permit do not meet the assumptions of the TMDL.
- 1.4.5. Discharges that the Department has determined to be or which may reasonably be expected to be contributing to a violation of a water quality standard.

1.5. **Termination of Operations**

When all discharges associated with activities authorized by this permit are eliminated, the operator of the facility must submit a Notice of Termination (NOT) form that is signed in accordance with the terms of Part 6.8 of this permit. The NOT, along with other forms pertaining to this general permit, can be found at the Department's website: www.adeg.state.ar.us

1.6. **Requesting General Permit Coverage**

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

1.7. **Requiring an Individual NPDES Permit**

- 1.7.1. At the discretion of the Director, he/she may require any operator covered under this general permit to apply for and obtain an individual NPDES permit for reasons that include but are not limited to the following:
- 1.7.1.1. The discharger is a significant contributor of pollution;
 - 1.7.1.2. The discharger is not in compliance with the conditions of the general permit; and/or
 - 1.7.1.3. Conditions or standards have changed so that the discharger no longer qualifies for a general permit.
- 1.7.2. The operator will be notified in writing that an application for an individual permit is required. When an individual NPDES permit is issued to an operator otherwise covered under this general permit, the applicability of the general permit to that operator automatically terminates upon the effective date of the individual NPDES permit.
- 1.7.3. Any operator covered by this General Permit may request to be excluded from the coverage by applying for an individual NPDES permit.

PART 2
EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Outfall 001. The permittee is authorized to discharge uncontaminated stormwater from Sanitary Landfill sedimentation ponds. Discharges from above are subject to the following effluent limitations.

<u>Effluent Characteristics</u>	<u>Discharge Limitations²</u>	<u>Monitoring Requirements</u>	
	Concentration (mg/l, unless otherwise specified)	Frequency ³	Sample Type
	Daily Maximum		
Flow ¹	Report	Once/discharge	Instantaneous
Chemical Oxygen Demand (COD)	75	Once/discharge	Grab
Total Suspended Solids (TSS)	100	Once/discharge	Grab
Oil and Grease (O & G)	15	Once/discharge	Grab
pH	6.0 s.u.- 9.0 s.u.	Once/discharge	Grab

1. Report Daily Maximum as MGD.
2. In the event a discharge occurs as a result of precipitation greater than the 25-year, 24-hour storm event, the discharge is not required to comply with the effluent limitations of this general permit. However, the permittee must submit a DMR to the Department and shall have the burden of proof that discharge was caused by such a precipitation event attached to the DMR.
3. All samples shall be collected from the discharge resulting from a storm event that occurs at least 72 hours from the previous discharge. The grab sample shall be taken during the first 30 minutes of the discharge. If the collection of a grab sample during the first 30 minutes is impracticable, a grab sample can be taken during the first hour of the discharge. The discharger shall then submit with the monitoring report a description of why a grab sample during the first 30 minutes was not practicable.

There shall be no discharge of distinctly visible solids, scum or foam of a persistent nature, nor shall there be any formation of slime, bottom deposits or sludge banks in the receiving water body. There shall be no visible sheen (Sheen means an iridescent appearance on the surface of the water). The permittee shall conduct a visual inspection of the point of discharge to the receiving stream at least monthly when discharges occur. The date of the inspection and any visible change in the receiving stream caused by the discharge shall be recorded and filed with the permittee's discharge monitoring report.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the discharge from the final treatment unit.

PART 3 GENERAL CONDITIONS

3.1. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Water Act and the Arkansas Water and Air Pollution Control Act and is grounds for enforcement action or for requiring a permittee to apply for an individual NPDES permit. **Any values reported in the required Discharge Monitoring Report which are in excess of an effluent limitation or outside of a range (i.e., pH limitations) specified in Part 2 shall constitute evidence of violation of such effluent limitation and of this permit.**

3.2. Penalties for Violations of Permit Conditions

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

3.3. Permit Actions

This general permit may be modified, revoked and reissued, or terminated for cause in accordance with the requirements of the National Pollutant Discharge Elimination System (NPDES) Permit Program Regulations at 40 CFR Parts 122 and 124, as adopted by reference in Reg. 6. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

3.4. Toxic Pollutants

Notwithstanding Part 3.3, if any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Regulation No. 2, as amended, (regulation establishing water quality standards for surface waters of the State of Arkansas) 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 or prohibitions established under Regulation No. 2 (Arkansas Water Quality Standards), as amended, or Section 307 (a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

3.5. Civil and Criminal Liability

Except as provided in permit conditions on "Bypassing" (Part 4.4), and "Upsets" (Part 4.5), nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

3.6. **Oil and Hazardous Substance Liability**

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

3.7. **Local, State, and Federal 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 local, state, or federal law or regulation.

3.8. **Property Rights**

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

3.9. **Severability**

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

3.10. **Continuance of the Expired General Permit**

If this permit is not re-issued or replaced prior to the expiration date, it will be administratively continued in accordance with Ark. Code Ann. § 8-4-203(m) and remain in force and effect. If permit coverage was granted prior to the expiration date, the permittee will automatically remain covered by the continued permit until the earliest of:

- 3.10.1. Re-issuance or replacement of this permit, at which time the permittee must comply with the conditions of the new permit to maintain authorization to discharge; or
- 3.10.2. Submittal of a Notice of Termination by the permittee; or
- 3.10.3. Issuance of an individual permit for the facility's discharges; or
- 3.10.4. A formal permit decision by the ADEQ to not re-issue this general permit, at which time the permittee must seek coverage under an individual permit or other general permits, if available; or
- 3.10.5. Notification from the Department that you are no longer covered under this permit.

3.11. **Permit Fees**

The permittee shall comply with all applicable permit fee requirements for wastewater discharge permits as described in APCEC Regulation 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 122.64 and 124.5 (d), as adopted in APCEC Regulation No. 6 and the provisions of APCEC Regulation No. 8.

3.12. **Re-opener Clause**

In accordance with 40 CFR Part 122.62(a)(2), the permit may be modified, or alternatively, revoked and reissued, if new information is received that was not available at the time of permit issuance that would have justified the application of different permit conditions at the time of permit issuance.

3.13 **Stormwater Associated with Construction Activity**

This General Permit does not authorize stormwater discharges associated with construction activity as defined in 40 CFR §122.26(b)(14)(x) or 40 CFR§ 122.26(b)(15).

PART 4
OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

4.1. **Proper Operation and Maintenance**

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

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

4.2. **Need to Halt or Reduce not a Defense**

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

4.3. **Duty to Mitigate**

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

4.4. **Bypass of Treatment Facilities**

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 Part 4.4.1 and 4.4.2.

4.4.1 **Notice**

4.4.1.1 Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

4.4.1.2 Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part 6.6 (24-hour notice).

4.4.2 **Prohibition of bypass.**

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

4.4.2.1.1 Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

4.4.2.1.2 There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This

condition is not satisfied if the permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
4.4.2.1.3 The permittee submitted notices as required by Part 4.4.1.

4.4.2.2 The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in 4.4.2.1.

4.5. **Upset Conditions**

4.5.1 Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of Part 4.5.2 of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

4.5.2 Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

4.5.2.1. An upset occurred and that the permittee can identify the specific cause(s) of the upset;

4.5.2.2. The permitted facility was at the time being properly operated;

4.5.2.3. The permittee submitted notice of the upset as required by Part 6.6; and

4.5.2.4. The permittee complied with any remedial measures required by Part 4.3.

4.5.3 Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

4.6. **Removed Substances**

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

4.7. **Power Failure**

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

PART 5 MONITORING AND RECORDS

5.1. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge 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 discharges shall be monitored.

5.2. Flow Measurement

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to 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.

5.3. Monitoring Procedures

Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit. The permittee shall calibrate and perform maintenance procedures on all monitoring 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.

5.4. Penalties for Tampering

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

5.5. Reporting of Monitoring Results

Monitoring results must be reported on a Discharge Monitoring Report (DMR) form. Permittees are required to use preprinted DMR forms provided by ADEQ, unless specific written authorization to use other reporting forms is obtained from ADEQ. Monitoring results obtained during the previous calendar month shall be summarized and reported on a DMR form postmarked no later than the 25th day of the month, following the completed reporting period to begin on the effective date of the permit. Duplicate copies of DMR's signed and certified as required by Part 6.8 and all other reports required by Part 6 (Reporting Requirements), shall be submitted to the Director at the following address:

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

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.

5.6. **Additional Monitoring by the Permittee**

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

5.7. **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.

5.8. **Record Contents**

Records and monitoring information shall include:

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

5.9. **Inspection and Entry**

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

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

PART 6 REPORTING REQUIREMENTS

6.1. 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:

- 6.1.1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR Part 122.29(b).
- 6.1.2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR Part 122.42 (a)(1).

6.2. Transfers

Facilities that are authorized under this permit, which undergo a change in ownership, facility name, or signatory authorization (i.e., a new cognizant official, responsible person, etc.) must submit a Permit Transfer form to the Director. A Permit Transfer form can be obtained from the General Permits Section of the Water Division at the following website: http://www.adeq.state.ar.us/water/branch_permits/general_permits/

For an ownership change, the permit transfer form must be submitted a minimum of 30 days prior to the date the transfer to the new operator will take place. The new owner must comply with the existing permit for the facility during the interim period. A Disclosure Form will be required.

6.3. Monitoring Reports

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

6.4. Twenty-four Hour Report

- 6.4.1. 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:

- 6.4.1.1. A description of the noncompliance and its cause;
- 6.4.1.2. 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; and
- 6.4.1.3. Steps taken or planned to reduce, eliminate and prevent reoccurrence of the noncompliance.

- 6.4.2. The following shall be included as information which must be reported within 24 hours:

- 6.4.2.1. Any unanticipated bypass which exceeds any effluent limitation in the permit;
- 6.4.2.2. Any upset which exceeds any effluent limitation in the permit; and
- 6.4.2.3. Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in Part 2 of the permit to be reported within 24 hours.

- 6.4.3. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

6.5. **Other Noncompliance**

The permittee shall report all instances of noncompliance not reported under Part 6.3 and 6.4 at the time monitoring reports are submitted. The reports shall contain the information listed in Part 6.4.1.

6.6. **Changes in Discharge of Toxic Substances for Industrial Dischargers**

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

- 6.6.1. That any activity has occurred or will occur which would result in the discharge, in 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).
- 6.6.2. 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).

6.7. **Duty to Provide Information**

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

6.8. **Signatory Requirements**

All applications, reports or information submitted to the Director shall be signed and certified.

6.8.1 All permit applications shall be signed as follows:

6.8.1.1 For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

- 6.8.1.1.1 A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
- 6.8.1.1.2 The manager of one or more manufacturing, production, or operation facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

6.8.1.2 For a partnership or sole proprietorship: by a general partner or proprietor, respectively; or

6.8.1.3 For a municipality, State, Federal, or other public agency; by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:

- 6.8.1.3.1 The chief executive officer of the agency, or
- 6.8.1.3.2 A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

- 6.8.2 All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- 6.8.2.1 The authorization is made in writing by a person described above.
 - 6.8.2.2 The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and
 - 6.8.2.3 The written authorization is submitted to the Director.
- 6.8.3 Changes to authorization. If an authorization under Part 6.9.2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part 6.9.2 of this section must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.
- 6.8.4 Certification. Any person signing a document under this section shall make the following certification:

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

6.9. **Availability of Reports**

Except for data determined to be confidential under 40 CFR Part 2 and Regulation 6, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department of Pollution and Ecology. As required by the Regulations, the name and address of any permit applicant or permittee, permit applications, permits and effluent data shall not be considered confidential.

6.10. **Penalties for Falsification of Reports**

The Arkansas 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 3.2 and/or criminal penalties under the authority of the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended).

PART 7 DEFINITIONS

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

- 7.1 **"Act"**: the Clean Water Act, Public Law 95-217 (33.U.S.C.1251et seq.) as amended.
- 7.2 **"Active Portion"** means that part of the landfill unit that has received or is receiving waste and has received daily cover (6" of soil) or an approved alternative cover.
- 7.3 **"ADEQ"** the Arkansas Department of Environmental Quality.
- 7.4 **"APCEC"**: the Arkansas Pollution Control and Ecology Commission.
- 7.5 **"Applicable water quality standards"**: all water quality standards to which a discharge is subject under the federal Clean Water Act and which have been (a) approved or permitted to remain in effect by the Administrator following submission to the Administrator pursuant to Section 303(a) of the Act, or (b) promulgated by the Director pursuant to Section 303(b) or 303(c) of the Act, and standards promulgated under Regulation No. 2, as amended, (regulation establishing water quality standards for surface waters of the State of Arkansas).
- 7.6 **"Bypass"**: the intentional diversion of waste streams from any portion of a treatment facility.
- 7.7 **"Contaminated stormwater"**: In accordance with 40 CFR Part 445.2(b), Contaminated stormwater means stormwater which comes in direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater as defined in 40 CFR Part 445.2(f). Some specific areas of a landfill that may produce contaminated stormwater include (but are not limited to): the open face of an active landfill with exposed waste (no cover added); the areas around wastewater treatment operations; trucks, equipment or machinery that has been in direct contact with the waste; and waste dumping areas.
- 7.8 **"Class I wastes"**: non-hazardous household, commercial, and industrial solid waste as defined herein; and small quantities of conditionally exempt hazardous wastes that are disposed of in a Class I Landfill.
- 7.9 **"Class III wastes"**: non-hazardous commercial, industrial and special solid wastes that are permitted by the Department to be disposed of in a Class III landfill.
- 7.10 **"Class IV wastes"**: non-hazardous, bulky, inert, non-putrescible solid wastes that do not degrade, or degrade very slowly and are permitted by the Department to be disposed of in a Class IV landfill. Class IV wastes include construction and demolition wastes, appliances, furniture, stumps, limbs and other bulky wastes that are not normally collected with other household, commercial or industrial waste.
- 7.11 **"Closed Portion"** means that part of the landfill unit that has been covered with a certified final cover system (including full vegetation) and approved by ADEQ.
- 7.12 **"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.
- 7.13 **"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.
- 7.14 **"Daily Maximum"**: discharge limitation means the highest allowable "daily discharge" during the calendar month.
- 7.15 **"Department"**: the Arkansas Department of Environmental Quality (ADEQ).
- 7.16 **"Director"**: the Director of the Arkansas Department of Environmental Quality.
- 7.17 **"Grab sample"**: means an individual sample collected in less than 15 minutes in conjunction with an instantaneous flow measurement.
- 7.18 **"Inactive Portion"**: means that part of the landfill that is not currently receiving waste, and has received either a layer of intermediate cover material (12" or more of soil), or an approved equivalent
- 7.19 **"Leachate"**: The sedimentation pond(s) is permitted solely for the collection and treatment of uncontaminated stormwater runoff from the inactive and closed portions of the landfill. Leachate is prohibited from entering the sedimentation pond(s). Leachate means a liquid that has passed through or emerged from solid waste and contains soluble, suspended, or miscible material removed from such waste. This water must discharge to sanitary sewer system either by trucking or direct connection unless an individual NPDES permit has been obtained for this discharge.
- 7.20 **"MGD"** shall mean million gallons per day.

- 7.21 **"mg/l"**: milligrams per liter; it is essentially equivalent to parts per million in dilute aqueous solutions.
- 7.22 **"National Pollutant Discharge Elimination System (NPDES)"**: the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under section 307, 402, 318 and 405 of the Clean Water Act.
- 7.23 **"Operator"**: for the purpose of this permit, means any person (an individual, association, partnership, corporation, municipality, state or federal agency) who has the primary management and ultimate decision-making responsibility over the operation of a facility or activity. The operator is responsible for ensuring compliance with all applicable environmental regulations and conditions.
- 7.24 **"ppm"** shall mean parts per million.
- 7.25 **"Sanitary Landfill"**: for the purpose of this permit, means a Landfill that accepts Class I, III and/or IV wastes.
- 7.26 **"s.u."** shall mean standard units.
- 7.27 **"Total Suspended Solids (TSS)"**: the amount of solid material suspended in water, commonly expressed as a concentration, in terms of mg/l.
- 7.28 **"When Discharging"**: means when the pond is naturally discharging or being dewatered after sufficient settling has occurred. A period of discharge may continue for multiple days with only one sample being required during the discharge event.