



ARKANSAS
Department of Environmental Quality

December 8, 2017

Charles B. Cook
PO Box 7
Fort Smith, AR 72902

**RE: Legislative Update - Ark. Code Ann. §8-4-203(b)
Notification of Informational Meeting – December 19, 2017
Permit Number 4908-WR-1, AFIN 04-01681**

Dear Mr. Cook:

You are receiving this letter because you operate a non-municipal domestic sewage treatment works (NDSTW). On August 1, 2017, your facility became subject to updated provisions in Ark. Code Ann. §8-4-203(b).

This letter identifies two changes that will apply to your facility: 1) Changes in the annual trust fund contribution, and 2) Changes to the requirements that you must satisfy before ADEQ can modify, renew, or transfer your permit.

Changes in the annual trust fund contribution: The annual trust fund contribution fee for permitted NDSTW shall not exceed \$1,000 per year for no-discharge permits or \$5,000 per year for discharge permits. Previously, fee caps were \$200 per year for no-discharge permits or \$1,000 per year for discharge permits.

Changes to the requirements that you must satisfy before ADEQ can modify, renew, or transfer your permit: Arkansas Code § 8-4-203(b) requires that each applicant shall submit the following with an initial application and any subsequent permit renewal, modification, or transfer for a NDSTW:

An assessment *developed by a professional engineer* licensed by the state of Arkansas that includes:

- A. A cost estimate for a third party to operate and maintain the NDSTW for five (5) years;
- B. A list of all necessary capital expenditures, system upgrades, or significant repairs and a milestone schedule for completion within five (5) years; and
- C. A financial plan that demonstrates to the department's satisfaction the permittee's financial ability to operate and maintain the NDSTW for five (5) years.

A certification that the permit applicant has complied with applicable local ordinances and regulations, including without limitation,

- A. Local zoning ordinances;
- B. Local planning authority regulations;
- C. Local permitting requirements.

Additionally, the NDSTW applicants will need to provide:

- A. A comprehensive connection summary listing the number of connections and types of connections based on Appendix B of the Arkansas Department of Health Rules and Regulations Pertaining to Onsite Wastewater Systems. The summary should include the number of existing connections and an estimated number of new connections for the next five (5) years.
- B. A legal description of the service area for the NDSTW and the water service providers for that same area. The service area requirement may be satisfied by providing a plat for the area served by the NDSTW.
- C. A list of all potable water sources for the service area.

ADEQ will develop a form to use when submitting the required information listed above. The form will be provided on our web site or may be made available by contacting the Office of Water Quality.

In addition, if you are contemplating changes to your facility that could increase its design treatment capacity, please contact the Office of Water Quality as soon as possible. A currently permitted facility is not required to pay an initial trust fund contribution fee; however, if that facility proposes to increase the design treatment capacity an initial trust fund contribution fee is required.

An informational meeting will be held at the Arkansas Department of Environmental Quality (ADEQ) Headquarters at 5301 Northshore Drive, North Little Rock, AR to provide additional details and answer questions with regard to the new law on Tuesday, December 19, 2017 at 1:00 PM.

Please contact the Office of Water Quality at (501) 682-0637 if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Caleb J. Osborne', with a long horizontal flourish extending to the right.

Caleb J. Osborne
Associate Director, Office of Water Quality