



STATE OF ARKANSAS  
DEPARTMENT OF POLLUTION CONTROL AND ECOLOGY

8001 NATIONAL DRIVE, P. O. BOX 8913  
LITTLE ROCK, ARKANSAS 72219-8913  
PHONE: (501) 682-0648  
FAX: (501) 682-0910



CSN No. 04-0095 Effective Date 04/17/97  
Permit No. 4486-W Expiration Date 04/18/2002

TO:

Simmons Foods, Inc.  
P. O. Box 430  
Siloam Springs, Arkansas 72761

This permit is your authority to implement, operate, and maintain the waste disposal system in Section 6, Township 17 North, Range 33 West, in Benton County as set forth in your application received December 19, 1996. This permit is issued subject to provisions of the Arkansas Water and Air Pollution Control Act (A.C.A. Sec. 8-4-101 et seq.) and the following conditions:

1. This permit is for the land application of dissolved air flotation waste generated by three Simmons poultry processing plants. Waste shall not be discharged from this operation to the waters of the State or onto the land in any manner which may result in runoff to the waters of the State.
2. The waste disposal system shall be operated and maintained in accordance with the Waste Management Plan (WMP) as approved by the Department of Pollution Control and Ecology.
3. The system shall be serviced by qualified personnel and maintained in good operating condition at all times.
4. Bypassing of the system is prohibited and may result in the revocation of this permit and/or other appropriate enforcement action by the Department.
5. There shall be no increase in the volume or strength of the waste being treated by the system except within the limits covered by the WMP approved by the Department.
6. This permit may be revoked or modified at any time, if in the opinion of the Department, it is necessary to prevent or abate pollution of any waters of the State.
7. Nothing herein contained shall be construed as releasing the permittee from any liability for damage to persons or property by reason of the installation, maintenance or operation of the system.
8. This permit is issued in reliance upon the statements and representations made in the application and the WMP. The Department has no responsibility for the adequacy or proper functioning of the system.
9. Any violations of this permit must be notified to the Department immediately.

PLEASE NOTE ADDITIONAL CONDITIONS ON THE ATTACHED SHEETS.

By: \_\_\_\_\_

  
Chief, Water Division

4/17/97  
Date

**ADDITIONAL CONDITIONS FOR THE LAND APPLICATION OF DISSOLVED AIR FLOTATION (DAF) RESIDUALS FOR PERMIT NO. 4486-W ; CSN NO. 04-0095**

**General Requirements**

- 10. The Dissolved Air Flotation (DAF) process generates waste also known as DAF skimmings. The waste must be taken directly from the DAF units and land applied. When conditions do not allow land application, the DAF waste must be properly stored.
- 11. Only dissolved air flotation (DAF) wastes which are not classified as hazardous wastes under State or Federal regulations may be land applied as fertilizer and/or soil conditioner.
- 12. The Plant Available Nitrogen (PAN) in the waste shall not be applied at a rate exceeding the annual nitrogen uptake of the crop. At no time shall the nitrogen application rate (PAN/acre-year) be allowed to exceed the site specific rate approved by the Department.
- 13. Ceiling Concentrations of Elements

If any one of the pollutant concentrations in DAF waste exceeds the concentrations listed below in Table 1, the DAF waste cannot be land applied.

TABLE 1  
Ceiling Concentration of Elements in mg/kg

Arsenic	75
Cadmium	85
Chromium	3000
Copper	4300
Lead	840
Mercury	57
Nickel	420
Selenium	100
Zinc	7500

- 14. Cumulative Metals Loadings

Dissolved air flotation (DAF) waste applied to land shall not exceed the total amounts of cumulative element loadings listed in Table 2 below. If background soil element concentrations exceed the loadings listed below, land application of dissolved air flotation (DAF) waste is prohibited.

TABLE 2  
Cumulative Loadings of Elements in kg/ha (lbs/acre)

Arsenic	41	(37)
Cadmium	39	(35)
Chromium	3000	(2700)
Copper	1500	(1350)
Lead	300	(270)

Mercury	17	(15)
Nickel	420	(378)
Selenium	100	(90)
Zinc	2800	(2520)

15. The permittee shall be responsible for assuring that the land owners and the waste applicator abide by the conditions of this permit.
16. Storage facilities must have adequate capacity for the storage of DAF waste during those periods when land application is not possible due to following conditions:
  - periods of inclement weather
  - equipment breakdowns
  - frozen or snow-covered ground
  - during periods of inactive plant growth
  - when access to the site would damage the field or crop
17. In the event that storage capacity is exceeded, and DAF waste cannot be land applied or rendered, DAF waste shall be disposed of by an alternative method approved in writing by the Department.
18. DAF waste shall be applied evenly over the application area to avoid waste entering the waters of the State.
19. DAF waste shall not be applied to slopes with a gradient greater than 15%; or to soils that are saturated, frozen or covered with snow, and during rain or when precipitation is imminent.
20. DAF waste shall not be spread within 25 feet of rock outcrops; 50 feet of property lines and wetlands; 200 feet of drinking water wells, lakes, ponds, springs and streams, and sinkholes; 300 feet of occupied buildings, water supplies or extraordinary resource body of water.
21. The permittee shall not cause any underground drinking water source to exceed the limitations in 40 CFR 257 Appendix I.
22. The permittee shall not cause or contribute to the taking of life or the destruction or adverse modification of the critical habitat of any endangered or threatened species of plant, fish or wildlife.
23. The permittee shall take all necessary measures to reduce obnoxious and offensive odors. Equipment shall be maintained and operated to prevent spillage and leakage.
24. Disposal of DAF waste in a floodplain shall not restrict the flow of the base flood, reduce the temporary storage capacity of the floodplain, or result in a washout of solid waste, so as to pose a hazard to human life, wildlife or land and water uses.
25. The permittee shall give 120 days prior notice to the Director of any change planned in the DAF waste disposal practice.
26. All new application sites must have a waste management plan approved in advance by the Department. This normally requires a permit modification.

**Monitoring and Reporting Requirements for all DAF Waste Application Facilities**

27. The permittee shall be responsible for a DAF waste analysis and reporting program which includes the following. Any changes to this program must be approved in advance by the Department. Units are expressed in mg/kg unless otherwise stated.

(a) DAF Waste Analysis

Annual grab samples of the DAF waste from each facility under this permit shall be analyzed for the following parameters.

% Volatile Solids	Total Kjeldahl Nitrogen
% Total Solids	Nitrate Nitrogen
Total Phosphorus	Oil & Grease
Total Potassium	Ammonia Nitrogen
Arsenic	Selenium
Cadmium	Mercury
Copper	Chromium
Lead	Zinc
Nickel	pH (SU)
BOD5	

(b) Soils Analysis

Each land application site shall be soil tested prior to Spring of each year for the following parameters:

Nitrate-Nitrogen	Potassium
Phosphorus	Salt Content (micro-mhos/cm)
Magnesium	Cation Exchange Capacity (me/100 g)
pH (SU)	Cadmium
Copper	Zinc
Lead	Nickel
Arsenic	Mercury
Selenium	Chromium

(c) Reporting

(i) Annual reports shall be sent to the Department and to the landowner receiving DAF waste **prior to May 1**, which must include the following:

The DAF waste and soil analyses conducted under sections (a)&(b) above (including a statement that the analyses were performed in accordance with EPA Document SW-846, "Test Methods for Evaluation of Solid Waste" or other procedures approved by the Director), source of DAF waste (from which facility), application dates and locations, volumes of DAF waste applied (gallons/acre-year of DAF waste), methods of disposal, identity of hauler, and type of crop grown, amounts of nitrogen applied, total metals added that year (lbs/acre), total metals applied to date (metals listed in table 2) (lbs/acre), and copies of soil analyses for each site.

- (ii) The permittee shall also maintain copies of the above records for Department personnel review at the facility.

- 28. If the permittee wishes to continue the activity regulated by this permit after its expiration date, the permittee must apply and obtain a new permit. The application must be submitted to the Department at least 120 days before the expiration date of the permit. The Director may grant permission to submit an application in less than 120 days in advance but not later than the permit expiration date.
- 29. The permit conditions will continue in effect past its expiration date pending issuance of a new permit, provided that:
  - a. The permittee has timely submitted a complete application as described in Condition 28, and
  - b. The Director, through no fault of the permittee, does not issue a new permit prior to the expiration date of the previous permit.

**CERTIFICATE OF SERVICE**

The Department's decision to issue a permit is final for purposes of appeal, as of the date indicated in the certification below.

I, Karen Archer, Secretary of the State Permits Branch, Water Division, hereby certify that a permit (Permit No. 4486-W, CSN No. 04-0095) has been sent by certified mail to the permittee at the following address:

Robert Harris  
Simmons Foods, Inc.  
P. O. Box 430  
Siloam Springs, Arkansas 72761

This final permit was mailed on or before this 17 day of April, 1997.

Karen Archer  
Karen Archer

4-17-97  
Date

# STATEMENT OF BASIS

THIS IS A STATE WATER PERMIT FOR A NO-DISCHARGE OPERATION UNDER DRAFT PERMIT NUMBER 4486-W AND CSN (FILE) NUMBER 04-0095. WASTE SHALL NOT BE DISCHARGED FROM THIS FACILITY TO THE WATERS OF THE STATE OR ONTO LAND IN ANY MANNER WHICH MAY RESULT IN RUNOFF TO THE WATERS OF THE STATE.

## ISSUING OFFICE AND DATE:

Arkansas Department of Pollution Control & Ecology  
Water Division, State Permit Branch  
8001 National Drive  
Post Office Box 8913  
Little Rock, Arkansas 72219

Date: March 10, 1997

## ADPC&E EVALUATING ENGINEER:

Henry C. Insua

### APPLICANT:

Simmons Foods, Inc.  
P. O. Box 430  
Siloam Springs, Arkansas 72761  
(501) 524-8151

### CONSULTANT:

Atkins Engineering Company  
P. O. Box 640  
Barling, Arkansas 72923  
(501) 484-0822

## 1. FACILITY INFORMATION:

Facility Type and Size: Land application of DAF waste generated by three poultry processing plants over approximately 1,198 acres located in Benton and Washington Counties.

SIC Code: 4953

Waste Storage/Treatment Component(s): The DAF waste is to be collected in 7,000-gallon trucks at the plants. Waste will be transferred to 3,200 to 4,000-gallon "buggies" and land applied to the fields by top spreading.

Washwater Source: N/A

Stream Segment: 3J      Nearest Stream: Sager Creek

Nearest Community: Siloam Springs      County: Benton

Section: 6      Township: 17 North      Range: 33 West

Latitude: 36° 11' 30" N      Longitude: 94° 32' 20" W

Road Location Description: The waste generating plants are located Siloam Springs, Arkansas; Southwest City, Missouri; and Jay, Oklahoma. The Siloam Spring plant street address is 316 North Hico, Siloam Springs, Arkansas 72761

### Additional Site Information:

The sites that appear in this request are permitted to Simmons Foods, Inc., and are not a part of the consolidated waste management plan previously approved for this and other companies. The nearest stream to the land application sites is the Cincinnati Creek or tributaries to the Cincinnati Creek. The approximate locations of the proposed land application sites are as follow:

<u>Site</u>	<u>Quarter</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>Area (acres)</u>
DW1 (B)	SE	33	17 North	33 West	52
DW2 (B)	SW	34	17 North	33 West	19
DW3 (W)	NE	5	17 North	33 West	36
DW4 (W)	SE	5	17 North	33 West	15
DW5 (W)	NE & SE	5	17 North	33 West	51
DW6 (W)	SW	6	17 North	33 West	97
AC1 (W)	NE	18	17 North	33 West	34
AC2 (W)	NW	17	17 North	33 West	22
AC3 (W)	NE	17	17 North	33 West	20
AC12(W)	SW	17	17 North	33 West	99
AC14(W)	NE & SE	17	17 North	33 West	152
CJ1 (W)	NE	20	17 North	33 West	138
CJ2 (W)	NW	20	17 North	33 West	104
CJ3 (W)	SE	18	17 North	33 West	131
CJ4 (W)	NE	19	17 North	33 West	59
CJ5 (W)	NW	19	17 North	33 West	137
CJ6 (W)	SE	19	17 North	33 West	32

Note: The initials in the first column are the landowner's name abbreviations. DW stands for Darrell Walker, AC stands for Aubrey Cuzick, and CJ stands for Charles Jones. (B) is Benton County and (W) is Washington County.

## 2. GENERAL REQUIREMENTS

The storage volume required for the waste generated at the facility is based on the size of the facility and the amount of waste produced. Solid material accumulated in all waste storage basins shall be removed as necessary to maintain the basin's design volume. The storage facility's liners and structures shall be maintained to prevent leaking or seepage. Any leaks or seeps shall be reported to the Department and appropriately corrected. Any discharge from the waste storage system such as an overflow, a broken pipe, etc., shall be immediately reported to the Department.

## 3. BASIS FOR PERMIT CONDITIONS

The Arkansas Department of Pollution Control & Ecology has made a tentative determination to issue a permit for the no-discharge facility as described in the application and waste management plan. Permit requirements and conditions are based on regulations pursuant to the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended, Ark. Code Ann. 8-4-101 et. seq.).



## SOURCES FOR DOCUMENT DEVELOPMENT

- A. Regulation No. 2, Regulation Establishing Water Quality Standards for Surface Waters of the State of Arkansas, as amended, October 1991
- B. Regulation No. 8, Administrative Procedure, July 1984
- C. Regulation No. 9, Regulation for the Fee System for Environmental Permits, August 1991
- D. ACT 165 of 1993, Public Notice Requirements
- E. ACT 472 of 1949, as amended, Arkansas Water and Air Pollution Control Act

## 5. PUBLIC NOTICE

A draft permit and draft public notice will be sent to the Applicant and District Engineer of Soil Conservation Service or Consulting Engineer prior to publication of notice.

The public notice describes the procedures for the formulation of final determinations and shall provide for a public comment period of 30 days. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues involved in the permit decision. A request for a public hearing shall be in writing and shall state the nature of the issue(s) proposed to be raised in the hearing.

For additional information, contact:

Rhonda Sharp, Information Officer  
Arkansas Department of Pollution Control and Ecology  
8001 National Drive  
P.O. Box 8913  
Little Rock, Arkansas 72219-8913



STATE OF ARKANSAS  
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WATER DIVISION

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PHONE: (501) 682-0648  
FAX: (501) 682-0910



CERTIFIED MAIL: Z 447 651 234  
RETURN RECEIPT REQUESTED

April 17, 1997

Robert Harris  
Simmons Foods, Inc.  
P. O. Box 430  
Siloam Springs, Arkansas 72761

RE: Simmons Foods, Inc.; CSN No. 04-0095, Permit No. 4486-W

Dear Mr. Harris:

Enclosed is your permit for the waste disposal system as set forth in your application.

After considering the facts and requirements of the Arkansas Water and Air Pollution Control Act (A.C.A. Sec. 8-4-101 et seq.) and implementing regulations, I have determined that your permit for the implementation, operation and maintenance of a water pollution control system be issued and effective on the date specified in the permit, unless a Commission review has been properly requested under Section 4, Part III, of Regulation No. 8, Arkansas Department of Pollution Control and Ecology Administrative Procedures, within 30 days after service of this decision.

All persons who have submitted written comments during the comment period, and all other persons entitled to do so, may request an adjudicatory hearing and Commission review on whether the decision of the Director should be reversed or modified. Such a request shall be in the form and manner required by Section 4, Part III, of Regulation No. 8.

Sincerely,

Chuck Bennett, Chief

cc: Gerald W. Atkins; Atkins Engineering Company  
Jamie Huens; ADPC&E District Inspector  
Laura Brown; ADPC&E Commission Office