ADEQ

A R K A N S A S
Department of Environmental Quality

March 21, 2016

The Honorable Ron Daniell
Clark County Judge
401 Clay Street
Arkadelphia, AR 71923

Re: General Permit Coverage – Clark County Solid Waste Transfer Station
Solid Waste Permit: 0114-STSW-C; AFIN: 10-00062
Document Identifier: 69126; Cross Reference Identifier: 63534 and 68897

Dear Judge Daniell:

The Arkansas Department of Environmental Quality – Office of Land Resources (ADEQ-OLR) has completed review of your Notice of Intent (NOI) for the Clark County Solid Waste Transfer Station. Based on this information, Clark County is hereby granted coverage under the general permit for the Clark County Solid Waste Transfer Station located at County Road 63 (Round Hill Road) Arkadelphia, AR 71923.

Coverage granted for the Clark County Solid Waste Transfer Station is based on the information supplied in the NOI and supporting documents. Operational plans, narratives, and drawings must be followed in order to maintain compliance with the terms of the permit. The facility is required to maintain a minimum of $22,000.00 in a financial assurance mechanism required by Chapter 14 of Arkansas Pollution Control and Ecology Commission (APC&EC) Regulation No. 22. Please take note of the updated permit tracking number 0114-STSW-C. Use this number on all correspondence and reports related to this facility to ensure proper filing of submittals. If you have any questions or need additional information, please contact Masoud Arjmandi of my staff at (501) 683-3395 or arjmandi@adeq.state.ar.us.

Sincerely,

Tammie J. Hynum
Senior Manager, Regulated Waste Programs
Office of Land Resources

Enclosures: General Permit for Construction and Operation of a Solid Waste Transfer Station
Permit Rationale

cc: OLR-Speake, Millard, McWilliams, Love, Gentry, Leamons, and Arjmandi
John Rogers, B&F Engineering, Inc.

GENERAL PERMIT
FOR THE CONSTRUCTION AND OPERATION OF A SOLID WASTE TRANSFER STATION – A, B, C, & D CAPACITIES

ISSUED BY STATE OF ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

PERMIT NUMBER:	0000-STSW-(A, B, C, & D)
AUTHORITY:	In accordance with the provisions of The Arkansas Solid Waste Management Act (Act 237 of 1971), Ark. Code Ann. §8-6-201 et seq., as amended, and Arkansas Pollution Control and Ecology Commission ("APC&EC"), Regulation 22, the Department has the authority to issue general permits for certain classes of solid waste processing facilities as defined in Section 22.102 of Regulation 22. Pursuant to that authority, the Department has chosen to permit solid waste transfer stations using a general permit program.
EFFECTIVE DATE:	May 13, 2016
EXPIRATION DATE:	May 13, 2021
LIMITATIONS:	Owners or operators of solid waste transfer stations within the State of Arkansas who fail to make a written request to the Director to be covered by this general permit and/or submit the required documentation are not authorized to operate under the permit.

Signed this 3rd day of November, 2015

Benjamin T. Jones, Chief
Solid Waste Management Division
Arkansas Department of Environmental Quality

PART I
COVERAGE UNDER THIS PERMIT

SECTION A. PERMIT AREA

The area covered by this general permit includes all areas within the State of Arkansas.

SECTION B. ELIGIBILITY AND AUTHORIZATION

1. Owners or operators of solid waste transfer stations meeting the requirements described herein and in APC&EC Regulation 22, and conforming to the definition of solid waste transfer stations in Regulation 22.102 may be covered under this general permit subject to the following conditions.

   a. The facility shall be permitted to accept a maximum annual throughput of:

      5,200 tons (A capacity);
      10,400 tons (B capacity);
      20,800 tons (C capacity);
      31,200 tons (D capacity);

      of solid waste per calendar year. This does not include source separated recyclables accepted at the facility.

   b. The facility must have a Certificate of Need (CON) from the appropriate regional solid waste management district, or have successfully completed a process of appeal of the district certificate of need denial through the Director of ADEQ, or have been permitted as a Solid Waste Transfer Station prior to January 1, 1999.

   c. Facilities which accept industrial wastes or special wastes shall maintain a section in the operating plan identifying each waste stream covered under this general permit.

2. The Director reserves the right to require the owner or operator of a transfer station to seek coverage under an individual permit. Notice of the decision to require coverage under an individual permit and the rationale for the decision will be provided to the owner/operator within 30 days of receipt of a notice of intent to become permitted. In considering whether to require individual permitting, the Director may consider:

   a. The compliance history of the owners and operators of the facility;

   b. The size or capacity of the facility;

   c. Whether the facility was in existence prior to the effective date of amendments to Regulation Number 22;

   d. The nature of the solid waste or method proposed for processing the solid waste or the methods proposed for storage, handling, or otherwise transfer of any materials or solid waste, or;

   e. Other overriding environmental or public participation issues.

   Household hazardous waste storage or processing centers as defined by A.C.A. 8-6-203 and which require permitting shall not be eligible for coverage under this permit. Those facilities exempted from permitting by the same section may coexist at facilities which are otherwise eligible and properly covered by this permit.

3. Owners or operators of solid waste transfer stations located within the State of Arkansas and meeting the requirements to be covered under this general permit must submit a notice of intent (NOI) to the Department

indicating their intent to be covered under the terms of the general permit. Timelines for submittal are discussed in Part I, Section D.1. Facilities are covered by this permit only after receipt of the coverage letter.

SECTION C. NOTICE OF INTENT (NOI)

1. Written notification for intent to be covered under the General Permit shall be made upon the latest version of NOI forms provided by the Department and available on the ADEQ website and all information required by the form shall be provided.

2. The notice of intent shall be signed by an authorized individual as defined in Regulation 22.301(h) and signed and stamped by the registered professional engineer retained by the facility as required by 22.301(i). The NOI contains a section designated *Applicant Responsible Official Certification – Professional Engineer Waiver*. This section allows that applicants which have retained coverage under the previous version of this general permit and which do not currently require design or operational changes may certify that there are no changes requested to permitting documents. With this certification the facility may forgo the review and certification of the professional engineer under 22.301(i). The requirements to complete and submit the NOI form in full shall remain in effect.

SECTION D. DEADLINE FOR SUBMITTAL

1. Notice of Intents (NOI) for coverage under this General Permit shall be submitted:

   a. Existing facilities may submit their NOI upon issuance of this general permit. Existing facilities must submit their NOI at least 120 days prior to the effective date to ensure no lapse in coverage from the previous general permit to this general permit.

   b. For new or planned facilities, those facilities must submit their NOIs a minimum of 30 days prior to commencement of construction. This provision in no way grants new or planned facilities coverage under this general permit without complying with Section B.1.b found herein.

SECTION E. TERMINATION OF COVERAGE

1. Owners or operators shall notify the Director if the facility ceases operation and/or if coverage under the permit is no longer necessary. The Department shall be notified in writing sixty (60) days prior to the proposed termination date of the permit.

2. Within ten (10) days of ceasing operations, all wastes shall be removed from the site and disposed at a properly permitted facility, and the facility and equipment shall be brought to a sanitary condition. The operator shall then arrange for a final cleaning of any containers, equipment, machines, floors, and facility surfaces having come in contact with solid waste. All closure activities shall be completed not later than 45 days after the termination date of facility operations unless otherwise approved by ADEQ.

PART II
PERMIT CONDITIONS

1. The solid waste transfer station shall be maintained and operated in accordance with the conditions of this permit and in compliance with all applicable provisions of the Arkansas Solid Waste Management Act (Act 237 of 1971), Ark. Code Ann. §8-6-201 et seq., as amended, Arkansas Pollution Control and Ecology Commission (APC&EC), Regulation 22, and all other applicable rules and regulations.

2. This general permit may be administratively changed, modified, revoked and reissued, or terminated for cause in accordance with the requirements of APC&EC Regulation 8 and 22. The filing of a request by a covered permittee for a facility modification does not stay any permit condition. Approval of any NOI which is in conflict with any permit condition or applicable regulation shall not be considered valid; covered permittees are bound to compliance with this permit, Regulation 22, and other applicable regulations.

3. The permit holder shall pay an annual permit fee as specified in Regulation 9.

4. The facility shall select a capacity designation as provided on the NOI form.

   a. A Capacity (A) – The facility shall not process in excess of 5,200 tons of solid waste per calendar year.
   b. B Capacity (B) – The facility shall not process in excess of 10,400 tons of solid waste per calendar year
   c. C Capacity (C) – The facility shall not process in excess of 20,800 tons of solid waste per calendar year.
   d. D Capacity (D) – The facility shall not process in excess of 31,200 tons of solid waste per calendar year.

   Selected throughput capacities are the maximum permitted limits and shall not be exceeded within any calendar year. Should a facility reach the permitted capacity within a calendar year, activities shall cease until such time the facility is properly covered by this permit as a larger capacity designation or under a final approved individual permit. In the interim period of inactivity, the facility shall implement clean-up activities in accordance with Part 1 Section E of this permit.

5. The facility shall maintain financial assurance to cover the amount specified below based on the capacity selection of the applicant on the NOI form.

A Capacity (A)	$5,500
B Capacity (B)	$11000
C Capacity (C)	$22,000
D Capacity (D)	$33,000

   Financial assurance shall be in a mechanism allowed by Regulation 22.1405. Financial Assurance is waived for state and federally owned facilities only. Generally no other waivers will be allowed without extensive and acceptable rationale which demonstrates an alternative means for coverage should the owner or operator become financially incapacitated. Previous waivers are not valid under this permit revision.

6. The facility shall not store more than 3 consecutive days waste at any time. This does not apply to source separated recovered materials discussed in condition16 herein.

7. Any change in ownership or control of the operation of the facility will require submittal of a disclosure statement in accordance with APC&EC Regulation 8. Transfer of this permit will require new NOI for coverage in accordance with Part I, Section C. Failure to notify the Department of a change in ownership or control, or a change in responsibility for the operation of the processing facility will be cause for termination of coverage under this general permit.

8. The Department has no responsibility for the adequacy or proper operation of the transfer station. Nothing contained herein 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 transfer station. The transfer station shall be operated by qualified personnel and maintained in good condition at all times.

9. Whenever it shall be necessary for the purpose of implementing or monitoring the enforcement of any permit condition, law or regulation duly adopted by the Arkansas Pollution Control and Ecology Commission, any authorized employee or agent of the Department may enter the facility property for the purpose of obtaining information, conducting investigations or inspections, taking of samples, or examining and copying records pertaining to the operation of the facility. Investigations or inspections by authorized employees or agents shall be conducted without interference or delay from the permittee or the property owner at a time necessary to observe the suspected violation or unauthorized conduct.

10. The facility shall be operated in accordance with the provisions of the site-specific Operating Plan as approved by the Department and which meets the requirements of Reg.22.904. The Operating Plan shall address specific facility operations in accordance with Reg.22.904. Facilities which accept any industrial or special waste as defined by Regulation 22 shall have a section in the Operating Plan discussing special handling or storage provisions necessary for each material. Areas used for storage of source-separated recovered materials shall be depicted in facility plans and described in the operating plan. All changes to the site-specific Operating Plan must be approved in writing by the Department.

11. The facility shall be constructed in accordance with the Design Narrative and Permit Plans and Specifications as approved by the Department. Any changes to the approved design for the facility must be approved in writing by the Department prior to implementation.

12. The approved NOI and required attachments shall be considered an integral and enforceable part of this permit. Any modification to facility design or operation shall be updated through submittal of revised NOI forms and all necessary revised attachments. The forms and attachments shall be submitted to the Department for approval prior to making changes at the facility. It shall be the sole decision of the Director whether the proposed changes constitute a modification of such a nature which requires re-permitting the facility under an individual permit, see Part I, Section B-2.

13. Coverage under this general permit may be terminated at the discretion and upon notification by the Department if construction of the facility has not commenced within 180 days and completed within 365 days from the date of coverage provided under the general permit. Coverage under this general permit may be terminated at the discretion and notification by the Department if the facility fails to operate for sixty consecutive calendar days. If the facility discontinues operations for sixty consecutive calendar days the facility shall implement the procedures under Part I, Section E of this permit.

14. This permit shall be posted in a conspicuous location at the transfer station during all operating hours. A sign shall be posted at all access points indicating the hours of operation, what materials the facility will accept and not accept. A suitable enclosed office or pay station with potable water available and restroom facilities shall be provided for employees.

15. All operations shall be performed by a licensed on-site operator who has been certified in accordance with Regulation 27 of the Arkansas Pollution Control and Ecology Commission.

16. Facilities that extract and recover recyclable materials from mixed solid waste must obtain an individual Type WRF permit. No recovery activities from mixed solid waste may be allowed under this permit. Storage of source separated recovered materials is authorized under this general permit in accordance with the approved operating plan which meets requirements of Reg.22.904. Timeframes for storage of source separated recovered materials shall be limited to one year retention time.

17. All solid waste passing through the facility must ultimately be recycled or disposed of at a properly licensed or permitted solid waste management facility.

18. Solid waste shall not be stored onsite in a manner that becomes a nuisance or a sanitary or environmental problem.

19. All operational and storage areas shall exhibit positive drainage, shall be free of standing water, and shall route waters in accordance with approved stormwater permit or individual discharge permit which may be applicable.

20. Restricted access to the site shall be maintained through the use of fences, gates, warning signs, natural barriers or other means as described in the approved NOI attachments.

21. The transfer station shall be operated so as to prevent the attraction, harborage or breeding of insects, rodents and other vectors.

22. The transfer station shall be designed and operated so that all liquids which come in contact with solid waste is collected and properly treated or disposed as leachate.

23. Recordkeeping Requirements

    a. Required Records - The owner or operator must record and retain an operating record at the facility or in an alternative location approved by the Director, the following information as it becomes available:

        (i) The current approved APC&EC Regulation 22;

        (ii) This general permit;

        (iii) The most recently updated NOI for the facility, all required attachments to the NOI, and any other associated documents;

        (iv) The Certificate of Need for the facility;

        (v) Any required location restriction demonstrations of the permitted facility;

        (vi) Approved operations plan;

        (vii) Waste receipt and disposal records;

        (viii) Approved design narrative;

        (ix) Records of any periodic inspections required by regulation or permit conditions;

        (x) Approved closure plans;

        (xi) Any cost estimates and financial assurance documentation; and

        (xii) Any other records required by Regulation 22.

    b. Access to Records - All information contained in the operating record must be furnished upon request to the Department or be made available at all reasonable times for inspection by the Department.

    c. Waste Receipt Records - All owner or operators shall provide an adequate means of recording the amount of waste that is received by the facility.

    d. Retention Period - The records required under this section shall be maintained by the owner or operator until destruction of the records is authorized by the Director following completion of closure of the facility.

24. The facility owner or operator shall prepare and file with the Department annual reports by March 31 covering the period from the previous January through December. Contents of the reports shall at a minimum include the completed form supplied by Part III of this permit.

25. Upon termination of facility operations, owners or operators shall perform facility closure in accordance with the requirements of approved closure plan.

PART III
ANNUAL REPORTING FORM

Arkansas Department of Environmental Quality			
Transfer Station – Annual Reporting Form			
Facility Name:			
Permit No:			
AFIN:			
Reporting Period:	January 1 – December 31, _____(Due: March 31 following the reporting period)		
Solid Waste Received			
Source	Volume (cu. yds.) or	Weight (tons)	Class
Source Separated Recyclables Collected			
	Volume (cu. yds.) or	Weight (tons)	Type of Material
Solid Waste Removed			
	Volume (cu. yds.) or	Weight (tons)	Disposal Location

STATEMENT OF BASIS AND RATIONALE FOR PERMIT CONDITIONS

GENERAL PERMIT FOR CONSTRUCTION AND OPERATION OF A SOLID WASTE TRANSFER STATION – A, B, C, & D CAPACITIES
Permit No. 0000-STSW-(A, B, C, & D)

Arkansas Pollution Control and Ecology Commission Regulation 22.903(a) and Ark. Code Ann. §8-4-203 provides that the Director of ADEQ may establish a general permit program for construction and operation of solid waste transfer stations. This document discusses authority, permit procedures and requirements as authorized primarily by APC&EC Regulation 22 but also the Solid Waste Management Act, Ark. Code Ann. §8-6-202 et seq. and other APC&EC Regulations. Certain discussion items below are not directly referenced or mandated by regulation and represent design or operational limits or permitting choices made by the Director to best fit the general permit program. Facilities are not required to obtain coverage under this particular general permit and may apply for a site-specific individual permit. Certain large capacity facilities, non-traditional waste transfer facilities and *solid waste recovery facilitie*s as defined by Regulation 22 are not eligible for coverage under this general permit.

Part I – Coverage Under this Permit	
Condition No.	
A	This permit is intended for applicable transfer stations within the boundaries of the state of Arkansas. Certain location restrictions will limit individual site locations. This will be reviewed on a case-by-case basis. [22.902 and 22.903(a)]
B-1	This permit is eligible for transfer stations only as defined by Regulation 22.103 and Ark. Code Ann. §8-6-202 et seq. It is not intended for *solid waste recovery facilities* as defined in Reg.22.103 or other facilities which operate outside the scope of the traditional transfer station as defined. Under the terms of this permit, the Director has the final decision to determine if a particular site is eligible or ineligible for coverage. [Reg.22.903(a)] The Director has chosen to restrict the capacities eligible for coverage under this permit based on annual waste throughput. Various size designations are established under this permit, primarily to provide for incremental financial assurance requirements. Larger facilities, those larger than the "D" designation under this permit, will be required to hold an individual permit. [Reg.22.903(a)] In accordance with Ark. Code Ann. §8-6-706 sites are required to obtain a Certificate of Need (CON) with the Regional Solid Waste Management District or must have existed previous to January 1, 1999. Facilities which transfer industrial wastes or special wastes as defined by Regulation 22 must have an operating plan which incorporates specific handling, storage, or otherwise transfer requirements. Transfer activities of industrial or special wastes may be grounds for the Director to require an individual permit. [Reg.22.903(a)]
B-2	Under the terms of this permit and the general permit procedures established herein, Director has the discretion to determine if a site is ineligible for this permit including but not limited to the list in the permit section B-2 or any other unforeseen environmental or public health consideration. [Reg.22.903(a)] HHW storage or processing centers as defined by Ark. Code Ann. 8-6-203 may not be covered under this permit due to the unique operations and site specific permit conditions needed in the permit which will require an individual permit issuance.
B-3	This permit will cover new or operating facilities after timely submittal of a completed NOI on the most recent forms including all necessary attachments. Coverage begins only upon ADEQ issuance of the official coverage letter signed by the Chief of Solid Waste or other authorized signatory delegate of the Director in accordance the ADEQ signatory policy. This general permit no longer includes provisions for automatic coverage during the periods of Department review and Notice of Deficiency delays. It is anticipated that this permit will be issued many months before the effective date allowing ample time for

Part I – Coverage Under this Permit	
	NOI submittal, ADEQ review, and ADEQ coverage before the effective date. [Reg.22.303(d), Reg.22.903(a)]
C-1	All information and attachments required by NOI forms is required or facilities will not be considered covered under this permit. Adequate information for certain NOI items may exist in the Solid Waste Division on-line facility files. Proper reference to the correct on-line document ID must be made on the NOI or information may be resubmitted and attached to the NOI in order to properly reference the files to this permit coverage. [Reg.22.303(d)]
C-2	Signatures are required by the facility representative and the representative engineer or the NOI will be considered incomplete and the facility will not be covered under the permit. [Reg.22.301] Facilities which were covered by the previous version of this general permit may certify through their responsible official that no facility design or operational changes were made and no changes are necessary to previous plans and specifications already on file with the Department. Through this certification the applicant will not be required to employ the services of a professional engineer and the Department may re-issue the previous coverage to the unchanged facility as constructed and operated according to previously submitted plans. Any changes to the facility design, operation or maintenance plans may trigger review and certification requirements for a professional engineer. This responsible official certification does not limit the Department in any way from requesting information or requiring professional services for changes in facility construction or modified operational plans. The certification form has been added to the NOI for this general permit. When the completed the NOI section labeled *Applicant Responsible Official Certification – Professional Engineer Waiver* is completed and signed, the previous NOI section requiring professional engineer certification may be left blank.
D-1	This section discusses timelines for submittals under the general permit program. Failure to complete NOI forms including required attachments will cause facilities to exist without coverage under this permit. Operating without a permit is a violation of Ark. Code Ann. §8-6-205. [Reg.22.303(d), Reg.22.903(a)]
E-1	Reg.22.906(d)(2)
E-2	Reg.22.906(d)(3)

Part II – Permit Conditions	
Condition No.	**Conditions**
1	This condition references the general applicability of Regulation 22 and the Solid Waste Management Act. Any updates to Regulation 22 or and other regulations or statutes affecting this permit shall cause the facility to update the NOI forms and attachments to properly address new requirements.
2	This condition discusses applicability of the permit and revocation of the permit or coverage under the permit for various reasons, which may include, but not be limited to non-compliance, inability to meet existing or updated regulations, failure to pay fees or to provide necessary information. [22.309(e)] Previous rationale discusses the NOI and attachment and the applicant's duty to timely respond to deficiency notifications. [Reg.22.303(d)]
3	Annual fees are required per Regulation 9. The annual fee is $450 per year at the time of this issuance.
4	Capacity selection and designation requirements are primarily linked to the financial assurance requirement of the following condition. Other rationale exists for limiting facility size including the need for Department review of specific design and operating plans to determine appropriate facilities and provisions are in place to handle expected throughput capacity. A facility's annual throughput is the tonnage of solid waste accepted by the facility but does not include source separated recovered materials. "Annual" means the January 1st through December 31st calendar year. Historical note: The 2011 preliminary draft permit contained 3 size designations. During the stakeholder review meeting commenters discussed concerns that the tonnage range between size categories did not support needed flexibility in the range of sizes required by actual operating facilities. In other words, some facilities that would have been required to obtain medium permits were just barely over the capacity dividing line and had to post a higher and more burdensome financial assurance amount. SWMD reviewed existing facility tonnage reports and determined the data supported the request for an additional permit capacity and altered the schedule of capacities in the draft permit. The sizes became A, B, C, & D from the previously named SC, MC, & LC. [Reg.22.904, Reg.22.905, Reg.22.906]

Part II – Permit Conditions	
5	Closure Cost estimates: The U.S. Department of Commerce - Bureau of Economic Analysis publishes the Implicit Price Deflator (IPD) for the U.S. gross national product and updates March 31 of each year. For reference, the annual inflation factor for recent years is shown at the following webpage: https://www.adeq.state.ar.us/sw/permits/financial.aspx: 2012 approved permit factors for total waste removal and cleanup were first adjusted for inflation by applying each of the past five (5) past year's inflation factor to result in the adjusted total of $58.58 per ton. The individual categories were rounded up as shown below for simplicity to result in the following cost estimate figures proposed as the basis for this general permit: Load – $6/ton Haul – $10/ton Dispose – $44/ton Total – $60/ton A__5,200 tons per year…100 tons per week…20 tons per day * 3 days waste storage limit= 60 tons * $60 per ton (load, haul, dispose) * 150% = $5,400 ≈ $5,500 B__10,400 tons per year…200 tons per week…40 tons per day * 3 days waste storage limit= 120 tons * $60 per ton (load, haul, dispose) * 150% = $10,800 ≈ $11,000 C__20,800 tons per year…400 tons per week…80 tons per day * 3 days waste storage limit = 240 tons * $60 per ton (load, haul, dispose) * 150% = $21,600 ≈ $22,000 D__31,200 tons per year…600 tons per week…120 tons per day * 3 days waste storage limit = 360 tons * $60 per ton (load, haul, dispose) * 150% = $32,400 ≈ $33,000 Certain upfront costs, engineering, bid and advertisement costs, cleanup and disposal of waters and other contingencies are considered and are built into these factors and the 150% adjuster. Annual updates are not required as these estimates are adequate to incorporate expected annual inflation adjustments for the next five years. The factors may be revisited at any time through revisions to this permit and rationale if necessary. [Reg.22.906] Financial assurance for state and federal facilities are not required as provided by Reg.22.1401(b) and (c).
6	Storage of solid waste shall be in accordance with 22.905(b), and is limited to three days. This is to prevent odors, vector attraction, or other nuisance conditions and is also based on the factors used to develop cost estimates, see 5 above. [Reg.22.906]
7 and 8	See Regulation 8, Administrative Procedures, Water and Air Pollution Control Act Ark. Code Ann. §8-4-101 et seq., and Solid Waste Management Act Ark. Code Ann. §8-6-201 et seq. for the Department duties, authority and obligations as the permitting authority.
9	[Reg.22.1501]
10	[Reg.22.904(p)]
11	[Reg.22.905(a)]
12 and 13	Under the general permit program established herein, it is required that all components of the NOI be provided for review and approval and updated as necessary to establish the site specific and enforceable operating and design parameters necessary for coverage under this general permit. Facilities shall be constructed and operated or the permit coverage may be terminated at the discretion of the Director. [Reg.22.903(a)]
14 - 22	[Reg.22.904]

Part II – Permit Conditions	
16	It has been determined that due to the significant handling and storage requirements, this permit is intended to cover transfer stations only and not waste recovery facilities - Type WRF. No extraction from mixed loads is allowed under this permit. The facility may store source separated recovered materials. Also ADEQ acknowledges many transfer stations often operate adjacent to or in conjunction with exempt MRFs which function to separate comingled recyclables from each other. In these cases the exempt MRF activities may operate under the same roof or at least on the same property footprint. It is not intended to begin permitting MRFs under this permit and the MRF operations are still exempt. It is important and required that the MRF operations or otherwise the storage of recovered materials must be discussed in the facility operating plan if recyclable storage exists on the permitted transfer station property. [Reg.22.904, Reg.22.1001(b)]
23	[Reg.22.907]
24	[Reg.22.904(n)]
25	[Reg.22.906]
Part III – Annual Reporting Form	
In accordance with Regulation 22.904(n) annual reporting is required to be submitted by March 31 of each year covering the period from January 1 through December 31 of the previous year. Report shall be on forms provided by the department or acceptable to the Department. No other reporting format is considered acceptable by the Department if it does not contain each of the required items in the form provided in Part III.	

A stakeholder meeting was held at the ADEQ Headquarters with facility representatives, consultants, and other stakeholders on September 9, 2015. ADEQ did not receive substantial comments on the preliminary draft permit during or after the stakeholder meeting; however, there was a productive question and answer session. A summary of the questions and answers is available upon request.

Public notice of the draft permit decision was printed on September 30, 2015, in the Arkansas Democrat-Gazette, a state-wide newspaper. No comments were received during the 30-day public comment period.

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ECONOMIC IMPACT - ENVIRONMENTAL BENEFIT
GENERAL PERMIT FOR CONSTRUCTION AND OPERATION OF A
SOLID WASTE TRANSFER STATION –
A, B, C, & D CAPACITIES
Permit No. 0000-STSW-(A, B, C, & D)

The requirement of Act 731 of the 88th General Assembly, 2011, requires the Department to consider economic impact and environmental benefit. The new requirements are codified in Ark. Code Ann. §8-4-203(m) as follows:

8-6-203(m)	Requirement
(3)(A)(i)	Before the submittal to public comment of a general permit that has not been previously issued, the department shall consider the economic impact and environmental benefit of the general permit and its terms and conditions upon the people of the State of Arkansas, including those entities that may apply for coverage under the general permit.
(3)(A)(ii)	This requirement does not apply to general permits or terms or conditions that adopt the language of state or federal statutes or regulations without substantive change.
(3)(B)	If the terms and conditions of a previously issued general permit are revised upon renewal, the economic impact and environmental benefit of only the proposed changes shall be considered.
(3)(C)	A general permit for which costs are specifically prohibited from being considered by state or federal law or regulation is exempt from the requirements of this subsection.
(3)(D)	The department may rely upon readily available information for its consideration of the economic impact and environmental benefit of the general permit and its terms and conditions.

Following is a discussion of applicability of the new general permitting requirement to this permit decision:

8-6-203(m)	Applicability
(3)(A)(i)	The Solid Waste Transfer Station General Permit has been previously issued and has been in existence since 1995.
(3)(A)(ii)	The language contained in the specific conditions is derived directly from Regulation 22 or is a specific requirement of Regulation 22. See the Statement of Basis document for specific references.
(3)(B)	The terms and intent of the general permit have not changed materially from past revisions. Areas of the permit have been revised, re-written, or re-organized for clarification. Key points of clarification are discussed in the table below.
(3)(C)	N/A
(3)(D)	N/A

Following is a discussion of the major clarifications or updates in this permit decision:

Substantial Language Changes and Clarifications	
Section	**Clarifications**
Cover Page	Effective Date and Expiration date revised to reflect the next 5-year permitting cycle (2016-2021).
Part I	
B-1-b	Language was clarified to better explain the procedures requiring certificate of need, the appeal process through the ADEQ Director, and the exemption for facilities permitted prior January 1, 1999. No changes intended to in meaning or intent from the last general permitting cycle.
B-1-c	Language was clarified, no changes intended to meaning or intent from the last general permitting cycle.
B-2	Language included in this condition of the last general permit renewal stated that the general permit cannot cover household hazardous waste storage or processing centers. This was because the general permit does not contain the site-specific conditions necessary to manage the unique operations or variability in materials possibly accepted at these facilities. Since the 2011 general permit issuance Act 1153 of 2011 defined household hazardous waste storage or processing centers and required those that do not meet certain exemptions to be covered as transfer stations. The situation still exists that variability in material, safety precautions, and uniqueness of operating methods require permit decisions for these facility types to be accomplished under an individual permitting process. Language in this section was revised to reflect Act 1153; the meaning and intent of the condition remains the same as the last general permitting cycle.
B-3	The previous general permit established automatic provisions that covered facilities during the interim period between submitting the NOI and formal coverage issuance by ADEQ. As required by state law, this permit will be issued six-months before the expiration of the old permit allowing the facility owners ample time to submit the new NOI and time for ADEQ review and coverage issuance before the expiration of the old permit. The submittal procedures and regulatory and technical requirements remain the same or less stringent with this renewal; therefore, there will be no additional cost added to facilities by making this change.
C-2	Language was added to reflect the new *Applicant Responsible Official Certification – Professional Engineer Waiver* certification process for existing facilities. This process allows facility responsible officials to certify there have not been facility or plan changes that warrant review of a professional engineer and the Department may re-issue coverage to an existing facility based on the responsible official certification of no-change. This change in the NOI process will benefit each existing facility hundreds of dollars with each five-year (5-year) permitting cycle if operators choose not to employ the services of a reviewing engineer. A trade-off to this savings includes increased risk of facility non-compliance and potential Department enforcement actions should a responsible official fail to recognize a facility design or operational change which requires submittal of a professionally certified modification request. In the worst case a change may result in conditions which cannot be professionally certified and approved or activities that result in environmental release. Damages and costs for a release scenario cannot be quantified at this time due to unknown conditions and variability of volumes, times, strength or type of contaminants, receptor pathways, and necessary cleanup methods involved. ADEQ relies on professional engineers trained and experienced in the solid waste industry and encourages routine and as-needed consultation with retained professional engineers as indicated in 22.301(i) to review site design or operational changes.
D-1-a	Submittal timeframes were revised for the new five-year (5-year) permitting cycle.

D-2 (deleted)	This condition is deleted. It is generally covered by C-1 and 22.903.
D-3 (deleted)	This condition is deleted. It is covered by Permit Condition 19 and NPDES stormwater permitting requirements.
Part II	
Condition	**Clarifications**
5	Financial assurance amounts are updated for inflation as required by A.C.A. 8-6-1603(a)(3).
12	Re-wording/clarifications to the language regarding the general permit procedures.
19	The requirement was clarified from the past general permit that standing water concerns and positive drainage requirements apply to the transfer station operational or storage areas only, not all areas of the property as specified in the last general permit. This correction is less stringent than the last permit cycle. A theoretical cost comparison which simply compares the difference in costs of the differing requirements would indicate the new language will equate to an unknown savings. It is unquantifiable due to variability on property area, grading, and site conditions at each particular facility. However, it is understood that the new language simply clarifies the way all facilities have interpreted and applied the requirement all along, and there will be no resulting changes at facilities and no differences in costs from this revision.
Part III	
Annual Reporting Form	
This form is unchanged from the last general permit except for an additional note containing the due date specified by 22.904(n).	

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