

Charles Hurt (adpce.ad)

From: Charles Hurt (adpce.ad)
Sent: Wednesday, March 1, 2023 9:46 AM
To: 'ncharles@littlerock.gov'
Cc: Annette Cusher (adpce.ad); Nicholas Jones (adpce.ad); Jarrod Zweifel (adpce.ad)
Subject: Notice of Issuance of Final General Permit Coverage - City of Little Rock Compost
Attachments: 0031-SCYW-83480.pdf

Please see the attached and retain a copy for your records.

Charles Hurt, P.E. | Engineering Operations Manager
Division of Environmental Quality | Office of Land Resources
5301 Northshore Drive | North Little Rock, AR 72118
t: (501) 682-0838 | e: Charles.Hurt@adeq.state.ar.us



ARKANSAS
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February 28, 2023

Nathan Nathan
City of Little Rock Compost
10803 Ironton Cutoff
Little Rock, Arkansas 72206

Re: Final Permit Decision for the General Permit for a Yard Waste Composting Facility
(Type Y Composting Facility)
City of Little Rock Compost
Current Permit #0031-SCYW; AFIN: 60-01071
Document Identifier: 83480

Dear Mr. Nathan:

The Division of Environmental Quality Office of Land Resources (DEQ) has prepared a new General Permit for Yard Waste Composting Facilities. The thirty (30) calendar day comment period was from January 22, 2023 and ended on February 21, 2023. There were no comments submitted during the comment period for the General Permit for a Yard Waste Composting Facility.

The General Permit for Yard Waste Composting has not significantly changed from the current permit. The only changes are editorial in nature. A copy of the final General Permit for Yard Waste Composting Facilities is attached. The Notice of Intent (NOI) is attached. In order to ensure coverage is maintained under the General Permit for Yard Waste Composting Facilities, a completed NOI must be submitted by April 30, 2023.

If you have any questions, contact Annette Cusher of my staff at 501-682-0841 or cusher@adeq.state.ar.us.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jarrod Zweifel'.

Jarrod Zweifel, P.G.
Office of Land Resources Associate Director
5301 Northshore Drive, North Little Rock, Arkansas 72118

cc: Jones, Hurt, Krou, Cusher



Division of Environmental Quality
GENERAL PERMIT
FOR THE CONSTRUCTION AND OPERATION OF A
YARD WASTE COMPOSTING FACILITY
(TYPE Y COMPOSTING FACILITY)
PERMIT NUMBER: 0000-SCYW

AUTHORITY: In accordance with the provisions of The Arkansas Solid Waste Management Act (Act 237 of 1971 as amended; Arkansas Code of 1987 Annotated §8-6-201 *et seq.*), and the Arkansas Pollution Control and Ecology Commission (APC&EC) Rule No. 22, the Division has the authority to issue general permits for certain categories of solid waste processing facilities. Pursuant to that authority, the Division has chosen to permit Type Y composting facilities through a general permit program.

EFFECTIVE DATE: May 31, 2023

EXPIRATION DATE: May 31, 2028

LIMITATIONS: Owners or operators of Type Y composting facilities within the State of Arkansas who fail to make a written request to the Director to be covered by this general permit or those who fail to submit all required documentation are not authorized to operate under the permit.

Signed this 28th day of February, 2023

A handwritten signature in black ink, appearing to read "Jarrod Zweifel", is written over a horizontal line.

Jarrod Zweifel, P.G.
Associate Director
Office of Land Resources
Division 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 Type Y composting facilities which accept yard waste and other Type Y compost material for composting as described herein and APC&EC Rule No. 22 may be covered by this general permit.
2. The Director reserves the right to require at any time that the owner or operator of a Type Y composting facility 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 or operator. In considering whether to require individual permitting, the Director may consider:
 - a. The compliance history of the owners and operators of the facility or compliance history of the site;
 - b. The size or capacity of the facility;
 - c. Whether the facility was in existence prior to the effective date of amendments to APC&EC Rule No. 22 (May 7, 1995);
 - d. The nature of any incoming solid wastes or materials, the method of processing materials, or the method of storage, handling, or other means of treatment; or
 - e. Other overriding environmental or public participation issues.
3. Existing or planned facilities that do not qualify as a Type Y composting facility as described by Section 22.103(c) or 22.802(a)(1) of APC&EC Rule No. 22 may not be covered by this permit. Facilities which propose to accept wastes other than yard waste or Type Y compost materials as defined by APC&EC Rule No. 22.102, or other wastes outside the scope of the Type Y (CY) permit category listed in APC&EC Rule No. 22.103(c) may not be covered by this general permit.
4. Small capacity compost areas which process less than fifty (50) tons or five hundred (500) cubic yards per year of incoming yard waste, silvacultural activities such as tree prunings and land clearing debris, and agricultural waste or other approved wastes are exempt from permitting provided the facility meets all provisions of Section 22.801(e)(1) of APC&EC Rule No. 22. Written notice of the facility is required by APC&EC Rule No. 22.801(e)(1). See Attachment A of this permit for the *Exempt Small Composting Site Notification Form*.
5. Additional exemptions from permitting are outlined in APC&EC Rule No. 22.801(e)(2), (3), and (4). Exemptions include individual residential composting of yard waste or organic waste generated at the residence, composting in conjunction with confined animal facilities, and composting in conjunction with nursery operations. Division notification is not required for sites which qualify for this exemption.
6. Non-composting Material Recycling Facilities which accept yard waste, wood waste, or other wood or natural vegetative debris solely for processing and redistribution as a recovered material are not considered solid waste processors and are not required to obtain a permit. Material Recycling Facilities which plan to accept this material are considered a Type Y Material Recycling Facility (Type Y MRF). Type Y MRFs which accept

yard waste are encouraged to register with DEQ – Recycling Branch. Forms will be made available on the DEQ website. Chapter 10 of APC&EC Rule No. 22 discusses the MRF exemption and includes a discussion of a limitation of time which material may exist at a MRF before redistribution for recycling purposes.

SECTION C. NOTICE OF INTENT (NOI)

1. Owners or operators of Type Y composting facilities located within the State of Arkansas who desire coverage under this general permit shall submit a notification to the Division indicating their intent to be covered under the terms of this general permit. Unless otherwise notified in writing by the Division, owners or operators are authorized to operate under this general permit thirty (30) days after DEQ receipt of the notification. Facilities covered by the previous composting general permit are required to submit a new Notice of Intent (NOI) to obtain coverage under this permit or apply for an individual permit.
2. Written notification for intent to be covered under the General Permit shall be made upon the latest version of NOI forms provided by the Division and available on the DEQ website. All information required by the NOI form shall be provided.
3. The NOI shall be signed by an authorized individual as defined in APC&EC Rule No. 22.301(h) and signed and stamped by a registered professional engineer retained by the facility as required by APC&EC Rule No. 22.301(i).
4. 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 a revised NOI including attachments and submitted to the Division for approval. It shall be the sole decision of the Director whether the changes are eligible for continued coverage under this permit in accordance with Part I Section B.2.
5. This general permit or site-specific coverage under this permit may be administratively changed; modified; revoked; reissued; or terminated for cause in accordance with the requirements of APC&EC Rule No. 8 and APC&EC Rule No. 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 comply with this permit, APC&EC Rule No. 22, and other applicable regulations.
6. Any change in ownership or control of the operation of the facility will require submittal of a disclosure statement in accordance with APC&EC Rule No. 8. Transfer of this permit will require submittal of a new NOI for coverage in accordance with this section. Transfer information also shall include the requirements of APC&EC Rule No. 22.307. Failure to notify the Division of a change in ownership or control or of changes in responsibility for the operation of the facility will be cause for termination of coverage under this general permit.

SECTION D. DEADLINE FOR SUBMITTAL

1. An NOI for coverage under this general permit shall be submitted:
 - a. For existing facilities, not later than April 30, 2023. Existing facilities which submit an NOI to be covered under this general permit by April 30, 2023, will be allowed to continue operating until a decision has been reached by the Division to allow or deny coverage under this general permit.
 - b. For new or planned facilities, a minimum of thirty (30) days prior to commencement of construction.
2. Any Division Notification of Deficiency (NOD) or other information request shall be adequately fulfilled within thirty (30) days following the date of the NOD request or as specified in the request for information.

Failure to submit adequate information in a timely manner shall be cause for Division termination of any coverage under this permit.

3. Within sixty (60) days following submittal of the NOI for coverage under this general permit, the facility shall apply for coverage or be able to demonstrate coverage under the NPDES Industrial Stormwater General Permit (IGP) or another acceptable permit to cover stormwater discharges.

SECTION E. TERMINATION OF COVERAGE

1. An owner or operator shall notify the Director if the facility ceases operation and/or if coverage under the general permit is no longer necessary. The Division shall be notified in writing sixty (60) days prior to the proposed termination date of the general permit.
2. Within ten (10) days of ceasing operations, all residuals and 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 no later than forty-five (45) days after the termination date of facility operations unless otherwise approved by the Division.
3. Coverage under this general permit may be terminated at the discretion and upon notification by the Division if construction of the facility has not commenced within one hundred eighty (180) days and completed within three hundred sixty-five (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 Division if the facility fails to operate for sixty (60) consecutive calendar days. If the facility does not operate for sixty (60) consecutive calendar days, the facility shall implement the procedures in this section and APC&EC Rule No. 22.

PART II

PERMIT CONDITIONS

1. The Type Y composting facility shall be maintained and operated in accordance with the conditions of this permit and in compliance with all applicable provisions of the Ark. Code Ann. §8-6-201 *et seq.* as amended, APC&EC Rule No. 22, and all other applicable rules and regulations.
2. The permit holder shall pay an annual permit fee as specified in APC&EC Rule No. 9.
3. The Division has no responsibility for the adequacy or proper operation of the yard waste composting facility. Nothing 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 yard waste composting facility. The facility shall be operated by qualified personnel and maintained in good condition at all times.
4. Any duly authorized officer, employee, or representative of the Division may enter without interference or unreasonable delay to inspect any facility covered by this permit or proposed for coverage by this permit. The agent may also enter any other satellite location, ancillary facility, location of compost application sites, or generally any other facility as necessary to determine compliance with APC&EC Rule No. 22.
5. The facility shall be in compliance with the following location restrictions:
 - a. The facility shall be designed and operated in a manner that will not restrict the flow of the base flood, reduce the temporary water storage capacity of the floodplain, or result in washout of solid waste and/or finished compost so as to pose a hazard to human health, wildlife, land, or water resources.
 - b. The facility or any facility expansion shall not be located in wetlands, or if it is, the owner of the facility shall demonstrate that the facility is in compliance with the provisions of the Clean Water Act and implementing Rules. To demonstrate compliance, the facility must provide wetlands delineation and any permit that may be required by the appropriate agency with jurisdiction for the proposed site.
 - c. The facility shall not be located within a municipality or county that has adopted restrictions on sites in conjunction with a comprehensive county-wide land use plan as provided in APC&EC Rule No. 22.203 unless specific geographic site approval has been received from the government(s) of jurisdiction.
 - d. Composting areas or areas used for storing incoming materials or finished compost shall not be located within the following setback distances:
 - (i) Fifty feet (50') of the property boundary;
 - (ii) One hundred feet (100') from a naturally occurring surface water body, stream, or streambed; and
 - (iii) Two hundred feet (200') feet to an existing residence, place of business, or drinking water supply not owned or leased by the applicant.
 - e. All components of siting location, design, construction, operation, maintenance, and closure shall be in accordance with any rules of the Regional Solid Waste Management District or rules of local zoning which may apply.
6. The compost operation shall be conducted in a manner which prevents pollution, public health hazards, nuisances, odors, and the harborage of vectors.

7. Operation of the facility shall follow acceptable methods of composting as described in the approved operating plan, which results in the aerobic biochemical degradation of the organic material received. Operating methods employ active management of incoming materials according to the approved plans. Materials are routed to designated stockpiles with specified volumes and processed into compost according to timeframes specified in the plans. Operating methods include procedures or equipment for material sizing, methods of manipulating materials into or onto the specified processing area, and consideration of material types and mixture ratios. Operating methods include mixing or turning techniques or other methods to encourage aerobic conditions. Operating methods address proper moisture control, methods for monitoring product quality during and after processing, and methods for screening or selection procedures for processed materials to ensure a marketable or otherwise desirable finished product. Designated storage volumes and locations are specified for finished materials and should not be exceeded.
8. Facilities shall develop and implement procedures in the approved operating plan for recording the amount of waste received and composted and this information shall be available for inspection by the Division.
9. Facilities shall develop and implement contingency plans in the approved operating plan for the following items:
 - a. The plan shall provide methods for controlling the type of waste received at the facility and for removing and recovering non-compostable materials for recycling or disposal including the removal, storage, and disposal of any hazardous or other unauthorized wastes;
 - b. The plan shall provide that firefighting equipment is available at the site and ensure that personnel have been trained in firefighting procedures. Where possible, the facility shall assure that fire protection services are available to the site through notification to local fire protection officials;
 - c. The plan shall provide remedial and contingency measures in the case that unapproved wastes are delivered to the facility or in the event of odors, equipment breakdown, and other emergency or undesirable conditions such as fire, dust, and vectors.
 - d. The plan shall provide any safety equipment that may be necessary due to site operations.
10. All operations shall be supervised by a licensed on-site operator who is certified in accordance with APC&EC Rule No. 27 during all hours of operation, and access to the facility shall be prohibited during non-operating hours.
11. A written operating record shall be maintained. Records shall include at a minimum:
 - a. Monitoring results of stormwater runoff and/or site discharges as required by facility NPDES permit(s);
 - b. This permit, all approved NOI submittal documents for this permit, permit design drawings, operating plan, and native including closure plan, modifications, annual reports, and Division correspondence;
 - c. Facility operating records as required by APC&EC Rule No. 22.808(a);
 - d. Quantity, type, and source of incoming waste on a monthly basis;
 - e. Quantity of compost sold or distributed on a monthly basis;
 - f. Quantity of residue removed for disposal and the date and location of disposal;
 - g. Any testing data including sampling information, chain of custody, and sample results that may be taken of compost products generated at the site; and

- h. Any other records required by APC&EC Rule No.22.
12. The facility shall be operated in accordance with the provisions of the site-specific Operating Plan as approved by the Division and which meets all requirements of APC&EC Rule No. 22, Chapter 8. Non-composting activities or areas used for processing or storage of source-separated recovered materials shall also 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 Division.
13. The facility shall be constructed in accordance with Design Narrative and Permit Plans and Specifications as approved by the Division and which meets all requirements of APC&EC Rule No. 22, Chapter 8. Any changes to the approved design for the facility must be approved in writing by the Division prior to implementation.
14. The composting area shall have a surface that can withstand heavy equipment loads and shall be sloped to prevent ponding of water.
15. The facility shall be designed with stormwater management controls to meet State and Federal regulations and to prevent stormwater run-on from entering the receiving, processing, curing, and storage areas.
16. Restricted access to the site shall be maintained through the use of fences, gates, warning signs, natural barriers, or other means described in the approved NOI documents.
17. The facility design shall include all-weather access roads for vehicle movement within the site and clearly illustrate operational receiving, processing, production, curing, and storage areas.
18. The facility shall post a sign with the name of the facility, permit number, emergency phone number, opening and closing hours, and days of operation at the entrance of the facility.
19. The facility shall implement methods for controlling odor, noise, dust, vectors, litter, or other nuisance or safety conditions including fire hazards.
20. The facility shall have sufficient capacity to handle incoming materials and the storage of six (6) months production of finished compost. Methods to handle and remove unacceptable wastes delivered to the facility shall be included in facility design.
21. All areas of the permitted facility shall have positive run-off drainage, shall be free of standing water, and shall route water in accordance with the approved NPDES stormwater permit and according to the NOI filed for coverage under this permit. Facilities shall follow the current Stormwater Pollution Prevention Plan (SWPPP); facilities shall implement necessary Best Management Practices (BMPs) for stormwater, and perform the discharge monitoring and reporting requirements according to all NPDES stormwater or other discharge permits.
22. New facilities shall not commence construction or operation without required stormwater or discharge permit coverage or documentation that a permit or permits is not required. Existing facilities are required to obtain necessary stormwater or discharge permit within sixty (60) days according to Part I Section E.2 of this permit.
23. The owner or operator shall prepare and file an annual report with the Division by March 31 of each year. The report shall cover the previous January through December and shall include at a minimum the following items:
 - a. Monitoring results of stormwater runoff or site discharges as required by facility NPDES permits;
 - b. A summary narrative of any changes to site design, changes in operations, or necessary maintenance or remedial measures taken at the facility during the past reporting period;

- c. Quantity, type, and source of incoming waste on a monthly basis;
 - d. Quantity of compost sold or distributed on a monthly basis;
 - e. Quantity of residue removed for disposal, and the date and location of disposal; and
 - f. Any other information which may affect compliance with APC&EC Rule No. 22.
24. The owner or operator of the facility shall notify the Division in writing within sixty (60) days prior to the proposed termination date of the facility. Within ten (10) days of ceasing operations, all residuals, waste, etc. shall be removed from the site and disposed and all requirements of Part I Sections E.2 of this permit shall be met.
25. The facility shall conform to the requirements in the approved Closure Plan which is on file with or referenced by the approved NOI documents. The approved closure plan shall meet the provisions of APC&EC Rule No. 22.804(b)(9) and 2.810.
26. Owners and operators of permitted compost facilities shall post financial assurance in accordance with APC&EC Rule No. 22. The method for furnishing the required amount of financial assurance shall be in accordance with APC&EC Rule No. 22.1405.
27. Cost estimates for financial assurance shall be calculated and certified by the professional engineer registered in the state of Arkansas which has been retained to provide design services for the purpose of this permit. The engineer, on behalf of the applicant, shall complete the Cost Estimate Summary Form included within the NOI form or attach a detailed cost estimate to the NOI form. The engineer shall include the maximum proposed amounts of all wastes and recovered materials anticipated to exist on-site during the life of this permit. The engineer shall provide the cost estimate for third-party removal and/or disposal of each item which is reflective of the cost the Division would incur in the event of site abandonment. The estimate shall be multiplied by the factor of one hundred fifty percent (150%) as indicated by APC&EC Rule No. 22.810(c)(2). The form shall be certified by a professional engineer. The specific materials and amounts listed on the approved form or separate detailed estimate shall be considered limiting conditions for the site and are an integral part of this permit.
28. Financial assurance funds may be used by the Division, as determined by the Director, for any reasonable purpose to remediate and mitigate any environmental, health, or safety hazard at the site should the owner or operator be unable or unwilling to fulfill the permit obligations of this general permit.

**ATTACHMENT A
EXEMPT SMALL COMPOSTING SITE NOTIFICATION FORM
PERMIT NO. 0000-SCYW**

Exempt Small Composting Site Notification Form	
Name of Owner/Operator:	
Owner/Operator Mailing Address:	
Contact Name and Phone Number:	
REQUIREMENTS	
Per APC&EC Rule No. 22.801(e)(1) – Facilities are limited to less than 50 tons or 500 yards per year of incoming material for composting.	
Per APC&EC Rule No. 22.801(e)(1)(i) – The process must follow acceptable methods of composting and is developed, operated and maintained in a safe, nuisance free manner.	
Per APC&EC Rule No.22.801(e)(1)(ii) – The facility shall provide a written notice to the Division describing the facility location, description of the operation and intended end use for the compost prior to commencement of construction.	
OPERATION DESCRIPTION	
Describe facility location, address, county, latitude and longitude, maps may be included:	
List incoming composting materials:	
Provide amount of incoming wastes to be composted per year:	Select: yards or tons
Describe the method(s) for	

composting:	
List equipment and typical personnel necessary in the composting operation.	
Estimated time to compost incoming wastes into finished product:	
Maximum wastes and finished material on site at any time:	Select: yards or tons
List the proposed end use:	
Owner/Operator Signature and Title:	
Submit To: DEQ – Office of Land Resources 5301 Northshore Drive North Little Rock, AR 72118	

Arkansas Pollution Control and Ecology Commission Rule 22.801(a) and 22.802(a)(1) require that the Director of DEQ establish a general permit program for construction and operation of yard waste composting facilities. This rationale document discusses authority, permit procedures and requirements as authorized primarily by APC&EC Rule 22 but also the Solid Waste Management Act, Ark. Code Ann. §8-6-202 *et seq.*, and other APC&EC rules and regulations. Certain permit conditions discussed below are either directly referenced or mandated by rule or regulation, or they are design or operational limits or permitting choices made by the Director to best fit the general permit program. Explanation for the choices and limitations made in this permitting decision are provided by this rationale document. Facilities are not required to obtain coverage under this particular general permit and may apply for a site-specific individual permit.

Part I – Coverage Under this Permit	
Condition No.	
A	This permit is for coverage of all yard waste composting facilities (Type Y composting facility) 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. [22.801(a) and 22.803]
B-1, 3	Facilities which accept <i>yard waste</i> or other <i>Type Y compost material</i> and which propose to process the material through <i>composting</i> as defined in 22.102 are required to be covered by a permit. This permit is eligible to those facilities which limit their operations to eligible materials described by 22.801(b)(1) and meet classification restrictions of 22.802(a)(1). Facilities which do not meet these requirements are not eligible for coverage.
B-2	Under the terms of this permit and the general permit procedures established herein, the Director has the discretion to determine if a site is ineligible for this permit based on the list in the permit section B-2 or any other unforeseen environmental or public health consideration. [22.103(g), 22.801(a)]
B-4	A small facility exemption exists according to 22.801(e)(1); notification requirements apply. Small facilities shall not exceed either 50 tons or 500 cubic yards of incoming compost material per calendar year to maintain the exemption.
B-5	22.801(e)(2), (3), (4)
B-6	Management alternatives to composting yard waste and other green wastes have emerged in recent years which focus on beneficial reuse of materials or energy recovery. Example markets include boiler fuel, mulch, soil stabilization, or other soil amendments. Potential may exist for other uses such as landfill liquid bulking, landfill daily cover, or agricultural uses such animal bedding. Rule 22, Chapter 10 discusses exemptions from permitting for facilities engaged solely in the business of storage, processing, redistribution of source separated materials. Since yard waste and other Type Y compost material is commonly generated and collected separately from the regular Class 1 waste stream, potential exists for management of the materials at non-composting recovery sites which may be considered an exempt Material Recycling Facility (MRF). MRFs are required to be in conformance with Solid Waste District Rules, must not cause nuisance conditions, and must not threaten human health or the environment. MRFs must be able to demonstrate that materials are sold, used, or reused within one (1) year. [22.1001(b)(1), 22.1002]
C-1, 2 D-1, 2	<p>All information and attachments required by NOI forms are 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.</p> <p>This permit covers operating facilities after they timely submit a completed NOI on the most recent forms including all necessary attachments. Upon notification by DEQ for additional information, facilities shall provide the requested information within 60 days or as specified by the notification of deficiency (NOD).</p> <p>New facilities are not covered by this permit until 30-days following submittal of the complete NOI. Nothing shall prevent Division requests and applicant provision of additional information at any time. Failure to provide information on any Division request within 60 days or as specified by the NOD shall be grounds for Division termination of any coverage (whether granted or implied) and this may cause facilities to exist without coverage under permit. Operating without a permit is a violation of A.C.A. §8-6-205. [22.103(g), 22.303(d), 22.801(a)]</p>
C-3	Signatures are required by the facility representative and the representative engineer or the NOI will be

Part I – Coverage Under this Permit	
	considered incomplete and the facility will not be covered under the permit. [22.301]
C-4	[22.301(f)]
C-5	[22.308, 22.309]
C-6	A.C.A 8-1-106
D-3	Office of Water Quality permitting is required. This permit in no way authorizes any surface or groundwater discharges until facilities obtain proper coverage under required discharge permits or certifications. Facilities are required to submit necessary applications to DEQ – Office of Water Quality and obtain coverage under required permits. Failure to obtain coverage will be grounds for cancellation of coverage under this permit. [22.807(a)]
D-3	Outdoor composting has operational aspects and liquid management practices which in many cases result in discharges of process water mixed with stormwater. Stormwater permit coverage has been the historic requirement for Type Y compost facility discharges consistent with Rule 22.806 and rationalized by the limited waste stream and narrowed scope of the potential impacts to receiving streams. Potential does exist for contaminated stormwater impacts to receiving streams, but this is highly dependent on many site-specific factors such as waste stream, site design, operational practices, compliance with applicable permits, or adherence to accepted best management practices for site operations or stormwater control. Industry, university, and EPA publications indicate certain effluent characteristics which may be contaminants of potential concern including Nitrates + Nitrite Nitrogen, Ammonia, and Phenols. The current DEQ Stormwater Industrial General Permit (ARR000000) contains benchmark standards for these parameters and it is recommended that DEQ and larger facilities investigate potential for impact. In the future, data may show some or other contaminants should be added to the monitoring protocol currently designated for Type Y facilities.
E-1, 2	[22.804(b)(9), 22.810]
E-3	[22.103(g), 22.303(d), 22.801(a)]

Part II – Permit Conditions	
Condition No.	Conditions
1	This condition references the general applicability of Rule 22 and the Solid Waste Management Act. Any updates to Rule 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	Annual fees are required per Rule 9. The annual fee for this general permit is \$450 per year at the time of issuance of this permit. Failure to pay fees in a timely manner will be cause for permit revocation. [Rule 9, Chapter 6: Solid Waste Permit Fees, 22.309(e)]
3	See Regulation 8, Administrative Procedures, Water and Air Pollution Control Act A.C.A. §8-4-101 et seq., and Solid Waste Management Act A.C.A. §8-6-201 et seq. for the Division duties, authority and obligations as the permitting authority.
4	[22.1501]
5	[22.803]
6	[22.805(a)(1)]
7	[22.805(a)(2)]
8	[22.804(b), 22.805(b), 22.808(a)] These sections of Rule 22 require facilities to maintain a record of incoming materials, therefore a method for determining the material volume is necessary. This was a requirement contained in the previous general permit.
9	[22.805(b)] This section of Rule 22 requires operating plans to consider necessary contingencies for site specific methods of operations. The condition and subsections of the condition are requirements contained in the previous general permit.
10	[22.805(a)(3)]
11	[22.804(b), 22.805(b), 22.808(a)]
12	[22.301(f), 22.303(d), 22.804(b)(8 sic.), 22.805(b), 22.806]
13	[22.301(f), 22.303(d), 22.804(b), 22.806(a)]
14	[22.806(a)(2)]
15	[22.806(a)(3)]
16	[22.805(a)(3), 22.806(a)(4)]

Part II – Permit Conditions	
17	Facilities are required to maintain a composting pad surface to accommodate heavy equipment and likewise rationale exists to require adequate roads into the compost areas to facilitate expected truck traffic. This will prevent operational problems such as dumping in unauthorized locations during inclement weather or safety hazards onsite. This was a requirement of the previous permit revisions. [22.806(a)(1 &2)]
18	[22.806(a)(4)]
19	[22.806(a)(5)]
20	[22.806(a)(6)]
21	[22.804(b)(8 sic.), 22.806(a)(3), 22.807(a)]
22	[22.807(a)]
23	[22.808(a)]
24	[22.804(b)(9), 22.810]
25	[22.804(b)(9), 22.810]
26	[22.810, 22.1401, 22.1402, 22.1405]
27	[22.301(f), 22.810]
28	[22.810(d)]

Part III – Exempt Small Compost Site Notification Form
22.801(e)(1)

This document was prepared by OLR - Engineering Branch Staff. On December 12, 2022, a stakeholder meeting was held for discussion of the permit and conditions and for solicitation of informal preliminary comments from facility representatives, local consultants, and other stakeholders who may be affected. One individual from the public attended the stakeholder meeting, but there were no comments made on the record. Formal 30-day public notice and draft permit comment period was advertised in the *Arkansas Democrat-Gazette* on January 22, 2023. Copies preliminary drafts, drafts, meeting notes or other information related to development of this permit are available by calling the OLR - Engineering Branch Staff at the phone number above or the following addresses:

jonesn@adeq.state.ar.us

or

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5301 Northshore Drive
North Little Rock, AR 72118

FACT SHEET

YARD WASTE COMPOSTING FACILITY (TYPE Y COMPOSTING FACILITY) GENERAL PERMIT

In accordance with provisions of the Arkansas Pollution Control and Ecology Commission (APC&EC) Rule No. 8.207, public notice was given that the Division of Environmental Quality (DEQ) has made a decision to issue a general permit for the operation of yard waste composting facilities.

General Permit 0000-SCYW is hereby issued for eligible yard waste composting facilities. This permit would apply to facilities as described below and as further defined in APC&EC Rule No. 22.

The Yard Waste Composting Facility General Permit will be available to cover facilities located in the State of Arkansas which choose to be covered by the General Permit, meet the terms of the Permit, and comply with the restrictions of APC&EC Rule No. 22. APC&EC Rule No. 22 defines composting as the deliberate aerobic decomposition of waste into a stable humus-like material. Yard waste and other Type Y compost material are the only acceptable materials eligible for processing under this permit. Yard waste is defined as grass clippings, leaves, and shrubbery trimmings. Type Y compost material is defined as yard waste or other vegetative materials such as tree prunings or chipped brush.

Coverage under General Permit 0000-SCYW may be obtained by submitting a Notice of Intent (NOI) for coverage under the General Permit for the construction and operation of a Yard Waste Composting Facility. The NOI form must be completed for all current permittees in order to maintain coverage under the General Permit 0000-SCYW.

The Proposed General Permit was placed into public notice on January 22, 2023. The end of the public comment period will be February 21, 2023. All comments received during the public comment period will be addressed in the final permit decision.

ECONOMIC IMPACT - ENVIRONMENTAL BENEFIT
YARD WASTE COMPOSTING FACILITY
(TYPE Y COMPOSTING FACILITY)
Permit No. 0000-SCYW

The requirement of Act 731 of the 88th General Assembly, 2011, requires the Division 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 Division 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 Rules 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 Rule is exempt from the requirements of this subsection.
(3)(D)	The Division 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 general permitting requirement to this permit decision:

8-4-203(m)	Applicability
(3)(A)(i)	The Yard Waste Composting Facility 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 Rule 22 or is a specific requirement of Rule 22.
(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. The references to Arkansas Division of Environmental Quality have been updated to reflect the new name of the Division.
(3)(C)	N/A
(3)(D)	N/A

Arkansas Department of Energy & Environment
 Division of Environmental Quality
 Office of Land Resources
 5301 Northshore Drive
 North Little Rock, AR 72118
 (501) 682-0587

**NOTICE OF INTENT (NOI)
 FOR COVERAGE UNDER THE GENERAL PERMIT
 FOR THE CONSTRUCTION AND OPERATION OF
 YARD WASTE COMPOSTING FACILITY (TYPE Y)
 0000-SCYW**

1. Legal Name of Applicant:	2. Name of Facility:
3. Applicant Mailing Address:	4. Facility Physical Address:
5. Applicant City, State, Zip:	6. Facility City, State, Zip, County
7. Applicant Telephone Number:	8. Facility Telephone Number:
9. Responsible Official:	10. Facility Contact Person:
11. Responsible Official Email:	12. Facility Contact Email:
12. Title of Responsible Official:	13. Facility Latitude and Longitude:
14. Responsible Official Telephone:	15. Facility Section/Township/Range:
16. Classification – Check box if applicable [See APC&EC Rule No. 22.804(b)(1)] 0000-SCYW > 50 tons or 500 cubic Yards annually <input type="checkbox"/> Small facilities < 50 tons or 500 cubic yards annually <input type="checkbox"/> Stop. Small facilities fill out the “Small Composting Site Notification Form” located in Attachment A. of 0000-SCYW.	
17. Has the facility notified the appropriate Regional Solid Waste Management District? [see APC&EC Rule No. 22.803 (c)] <input type="checkbox"/> Yes – Attach <input type="checkbox"/> No – Explain _____	
17. Is the site currently permitted by the Division as a Solid Waste Yard Waste Compost Facility? <input type="checkbox"/> Yes – Permit Number: _____ <input type="checkbox"/> No Other DEQ Permits? Stormwater permitting is required. <input type="checkbox"/> Yes – Permit Number(s): _____ <input type="checkbox"/> No – Explain: _____ _____	

18.	Location Restrictions and Siting Requirements Demonstration [See APC&EC Rule No. 22.803]		
	Does the applicant own or control the site?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	Is the applicant responsible for facility operation and maintenance?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	Is the site located in the 100 – year flood plain?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	Is the site designed and operated to not restrict the flow of the base flood, reduce water storage capacity of the flood plain or result in washout of solid waste.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	Is the site located in a jurisdictional wetland?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	Has the site obtained all the necessary geographic site approval from government(s) of jurisdiction?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	Was the facility in existence prior to May 7, 1995?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	Are the site active areas located within 50 feet of a property boundary?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	Are the site active areas located within 100 feet of a naturally occurring water body?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	Are the site active areas located within 200 feet of an existing residence, place of business, or drinking water supply not owned or leased by the applicant?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
19.	Additional Requirements		
	Site and ½ mile surrounding land use zoning and existing features map [see APC&EC Rule No. 22.804(b)(3)]	<input type="checkbox"/> Attached or SWMD Document ID _____	
	Map depicting wetlands and floodplains [see APC&EC Rule No. 22.804(b)(4)]	<input type="checkbox"/> Attached or SWMD Document ID _____	
	Site Plan [see APC&EC Rule No. 22.804(b)(5)]	<input type="checkbox"/> Attached or SWMD Document ID _____	
	Operating Narrative [see APC&EC Rule No. 22.804(b)(8)(i) and conform to APC&EC Rule No. 22.805]	<input type="checkbox"/> Attached or SWMD Document ID _____	
	Closure Plan [see Rule No. 22.804(b)(9)]	<input type="checkbox"/> Attached or SWMD Document ID _____	
	Does the facility have design plans and operating specifications? [see APC&EC Rule No. 22.806]	<input type="checkbox"/> Yes	<input type="checkbox"/> No
20.	Describe all waste or recovered material or otherwise all material accepted at the site? Include all material whether processed by composting or simply processed and stored for re-distribution or re-use.		

	Are any industrial wastes or special materials proposed for acceptance? [see APC&EC Rule No. 22.102 – Definitions]		
	<input type="checkbox"/> Yes – Explain _____		
	<input type="checkbox"/> No industrial or special material.		
21.	Permit Fees – for existing facilities the current annual billing cycle will remain unchanged and there are no additional fees. Simply continue paying the \$450 annual fee when it is billed by DEQ.		
	New Facility - <input type="checkbox"/> \$900 initial fee is attached	<input type="checkbox"/> Existing	
	All facilities – Are all DEQ invoices paid to date (for all permits or licenses)?		
	<input type="checkbox"/> Yes		
	<input type="checkbox"/> No, explain _____		
22.	Financial Assurance (FA) Requirement [see APC&EC Rule No. 22.810(b)]		

Has a detailed closure cost estimate been completed? [see APC&EC Rule No. 22.810(b)] Yes No

Does the closure cost estimate include the maximum permitted amount of waste and compost ever stored on site at one time? Yes No

Discuss the basis for cost estimates, loading, hauling, disposal, other clean-up or other removal of items or materials:

Cost Estimate Summary Form

[Alternate to a detailed closure cost estimate – complete line items below or attached a detailed cost estimate certified by the Professional Engineer retained for this submittal]:

Description	Quantity (maximum permitted in tons)	Third-Party Closure Cost (transportation and disposal at a Class 1 landfill or alternate means of disposal or outlet for re-use available to a third-party)
Yard waste stored on site	= _____	\$ _____
Yard waste in composting process (include production and curing amounts)	= _____	\$ _____
Stored finished compost on site	= _____	\$ _____
Unprocessed wood waste stored on site	= _____	\$ _____
Processed wood waste stored on site	= _____	\$ _____
Non-compostable material for recycling	= _____	\$ _____
Non-compostable waste residual materials for disposal	= _____	\$ _____
Other – Explain _____ (attach supplemental documentation, if needed)	= _____	\$ _____
Other – Explain _____ (attach supplemental documentation, if needed)	= _____	\$ _____
Other – Explain _____ (attach supplemental documentation, if needed)	= _____	\$ _____
Total		\$ _____

Note: FA must be in a mechanism allowed by APC&EC Rule No. 22.1405. Financial Assurance is waived for State and Federal 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.

23. Disclosure Statement

In accordance with Arkansas Code Annotated §8-1-106, a disclosure statement is required to be maintained on forms provided by DEQ. Exemption to this requirement exists for federal, state, municipal, county, or solid waste management district owned sites. The exemption does not extend to improvement districts or other extensions of government that are not instituted by an act of the General Assembly. Publicly held companies which file reports under the Securities exchange Act are not required to file DEQ disclosure forms, but they must submit the most recent report which provides information regarding the legal proceedings of the applicant.

DEQ Disclosure/SEC report attached

Exempt Federal, State, City, County, or RSWMD

Other explain _____

Certification

To the best of my knowledge and belief, I certify the information provided in this Notice of Intent is true and accurate.

APPLICANT [APC&EC Rule No. 22.301(h)]

Signature Name and Title Date

ENGINEER [APC&EC Rule No. 22.301(i)]

Signature and Seal Name and Title Date