



Arkansas Code Annotated § 8-11-103 and the Code of Arkansas Rules (CAR) equips the Arkansas Department of Energy and Environment, Division of Environmental Quality (DEQ), to collaborate with permitted facilities on flexibility and streamlining certain permit conditions. For full details on requirements, please refer to Title 8, Chapter 1 of the CAR at <https://codeofarrules.arkansas.gov/>.

DEQ recommends contacting the appropriate managing engineer ahead of submitting a permit modification through ePortal or SEEK for flexible or streamlined permit.

## PERMIT FLEXIBILITY

### OFFICE OF AIR QUALITY (OAQ) PERMITS

8 CAR § 41-316 specifies that DEQ may consider requests for the following items for minor source facilities provided that the activity does not violate a federal requirement:

- **Extension to any testing, compliance, or other date in permit:**  
Requests must be submitted in writing to DEQ at least fifteen (15) days prior to the deadline.
- **Temporary emissions exceedance and alternative testing or monitoring:**  
Requests must be submitted in writing at least thirty (30) days prior to the activity occurring.
- **Alternative to monitoring specified in the stationary source permit:**  
Requests must be submitted in writing at least thirty (30) days prior to the alternative monitoring occurring and must be incorporated into the next permit modification application.

Operating scenarios and streamlined conditions that are approved and included in the final permit by DEQ may be implemented without permit revision or notification to DEQ as required above.

### OFFICE OF WATER QUALITY (OWQ) PERMITS

The National Pollutant Discharge Elimination System (NPDES) specifies DEQ may consider the following permit flexibility requests:

- **Tiered limits** - for wet weather events, seasonal changes, production cycles/production-based limits, or implementing a new or decreased limit. Tiered limit requests can be submitted with a justification through a permit modification.
- **Alternative Peak Flow Conditions** - for facilities seeking to construct parallel treatment that allows operation under alternative peak flow conditions. A state construction permit is required to construct or install treatment components.
- **Alternative Monitoring Methods and Analytical Instruments** - must be compliant with 40 Code of Federal Regulations (C.F.R.) Part 136 or approved in accordance with 40 C.F.R. § 136.5. The request must include a justification and information demonstrating that the alternative method is capable of producing consistent results to the appropriate Minimum Quantification Level (MQL) for the parameter.

- Upon written approval of the alternative monitoring method or analytical instruments, or both, these methods or instruments must be consistently utilized throughout the monitoring period. DEQ must be notified in writing, and the permittee must receive written approval from DEQ, if the permittee decides to return to the original permit monitoring requirements.
- **One-Time Monitoring Frequency Reduction** - provided that the facility:
  - Demonstrates consistent compliance for at least two (2) years for the pollutants for which a request has been made for a monitoring frequency reduction;
  - Has no operational or design changes that have been made to the facility for at least the last two (2) years (or during period of review, if greater than two (2) years), and are not anticipated for the remaining term of the permit;

Further conditions and steps may be referenced in Part 1, Section A, Effluent Limitations and Monitoring Requirements of the permit.

If approved, the monitoring frequency reduction may not be reduced a second time. Additionally, if the permittee becomes out of compliance during the reduced monitoring period, frequency will resume at the original requirements of the permit.

## INTERIM AUTHORITY AND TEMPORARY VARIANCE

Arkansas Code Annotated § 8-4-230 allows the director to grant or deny a request for a temporary variance or interim authority to construct or operate for compelling reasons and good cause shown. DEQ must have received an administratively complete permit application prior to consideration.

- Pursuant to 40 Code of Federal Regulations Part 52.21(a)(2)(iii), interim authority is not applicable to Prevention of Significant Deterioration.
- If granted, the activity is allowed up to 90 days. Any extension requests must be submitted to DEQ prior to the original expiration date. The director's decision is to be issued within ten (10) days of receipt of the request and shall be publicly noticed.

## OFFICE OF LAND RESOURCES (OLR) PERMITS

### SOLID WASTE

8 CAR § 60.413(b) and 8 CAR § 60.512(c) specify DEQ may consider **Alternate Daily Cover (ADC)** requests for Class 1 and Class 3 landfills for materials and thicknesses other than the prescriptive six inches (6") of earthen material.

- For permanent or long-term approval, a permittee must demonstrate the ADC:
  - will adequately control disease vectors, fires, odors, blowing litter, and scavenging;
  - does not present a threat to human health and the environment.

To request alternate daily cover, complete the form below and submit through ePortal.

<https://www.adeq.state.ar.us/sw/pdfs/alternative-daily-cover-form.pdf>

8 CAR § 60-411(e)(2) specifies DEQ may consider requests to **Salvage Recyclable Materials** at the working face. The following conditions must be met:

- An area has been designated by the permittee for the recovery of salvageable material;
- The operations shall not interfere with or otherwise delay the activities of the working face;

- The recovery of salvageable material must be conducted in an orderly manner;
- All salvaged materials shall be removed from the landfill site daily or properly stored so that they will not create a nuisance or unsightly appearance.

In accordance with 8 CAR § 60-1402(a), DEQ may allow **landfill facility closure options** which may reduce the amount of financial assurance a facility is required to maintain.

- The permit application must include a construction sequencing plan or phasing plan.
- The plan commits to closing areas of a unit along the way while new cell areas of the same unit are developed.

Permittees may request an **Alternate Leachate Drainage Design or Material** if the permittee demonstrates the drainage layer will meet requirements of 8 CAR § 60-429(b).

Permittees may request **Alternative Final Cover Systems** pursuant to 8 CAR § 60-1301(b), if the system designs include:

- An infiltration layer that achieves an equivalent reduction in infiltration as the infiltration layer specified in 8 CAR § 60-1301 (a)(3)(A); and an erosion layer that provides equivalent protection from wind and water erosion as the erosion layer specified in subdivision (a)(3)(B) of 8 CAR § 60-1301.

8 CAR pt. 60, Subpart 12 specifies DEQ may consider solid waste **groundwater monitoring frequency reduction** requests:

- After collecting adequate data from the well to perform reliable statistical analysis per the EPA Unified Guidance [Statistical Analysis of Groundwater Monitoring Data at RCRA Facilities, Unified Guidance by EPA, March 2009 (EPA-530/R-09-007)];
- With consideration of site-specific hydrogeology and standard semi-annual statistical needs; and
- Depending on the results of the annual Appendix 2 sampling events.

## HAZARDOUS WASTE

**Groundwater Monitoring Frequency Reduction** requests may be considered:

- After four consecutive quarterly samples;
- With consideration of site-specific hydrogeology; and
- Selected statistical method.

Sampling Reductions may be reduced to no less than annual sampling.

- Under 8 CAR pt. 81, permittees may select a statistical method or propose one to the DEQ director.

## TEMPORARY AUTHORIZATION

Temporary Authorization requests pursuant to Rule 23 § 270.42(e), codified as 8 CAR § 81, may be considered during the permit modification process. If approved, the activity may be conducted up to 180 days.