

INSTRUCTIONS AND PROCEDURES FOR SUBMITTING A PRE-APPLICATION FOR A SOLID WASTE DISPOSAL FACILITY

**ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY
SOLID WASTE MANAGEMENT DIVISION
5301 NORTSHORE DRIVE
NORTH LITTLE ROCK, ARKANSAS 72118
ENFORCEMENT: (501) 682-0595
PROGRAMS: (501) 682-0594
TECHNICAL: (501) 682-0601
FAX: (501) 682-0611**

Authority: Act 237 of the 1971 Arkansas Legislative Session, as amended, makes it unlawful to construct, install, alter, modify, use, or operate any solid waste disposal facility or disposal site without a permit from the Department. Regulation 22 requires that applicants submit a pre-application for a proposed facility prior to submitting a permit application.

GENERAL INSTRUCTIONS

1. Before completing an application or pre-application for a disposal facility, the applicant should familiarize themselves with the statutory and regulatory requirements for permitting, constructing and operating the facility. This would include Arkansas Code Annotated §§ 8-6-201 et. seq., Arkansas Pollution Control and Ecology Commission, Regulations 8, 9, and 22, as well as other applicable federal, state, and local rules and regulations.

2. A pre-application differs from an application in that it primarily provides an opportunity for the Department and the applicant to investigate the suitability of the site for a proposed use and identify any limitations of the site for that use before the applicant invests in costly studies and preparation of permit application documents.

3. Completed applications shall be mailed to:

Arkansas Department of Environmental Quality
Attn: Solid Waste Management Division
5301 Northshore Drive
North Little Rock, AR 72118

Inquiries may be directed by telephone to (501) 682-0601 or by fax to 682-0611.

4. A person may not commence construction of a facility until the Director has issued a final permit decision.

5. Pre-applications that are not administratively complete (see below) may not be accepted by the Department.

PROCEDURAL INFORMATION

1. The applicant may request a meeting with the Department prior to submitting a pre-application to discuss technical and procedural requirements and other matters.
2. If the Department determines that the pre-application is not administratively complete, it will notify the applicant of its findings and may, at its option, return the pre-application for revision.
3. The Department shall schedule a public meeting at a suitable location near the proposed solid waste disposal site for applicants submitting an administratively complete Class 1 or 3C pre-application. The primary purpose of the public meeting will be to inform and answer questions from concerned citizens. Public meetings may be scheduled in a similar manner for other disposal facilities at the discretion of the Department.
4. For all disposal facilities, the Department will schedule a preliminary site investigation with the applicant to determine if the site is suitable for development. The Department may notify interested local, regional, state, and federal authorities to take part in or attend the investigation.
5. The applicant will bear the burden of furnishing all necessary equipment and manpower to gain access to the site, dig test pits, and otherwise complete the preliminary site investigation.
6. The Department shall provide its findings and results of the preliminary site investigation to the applicant. Any site limitations identified in the preliminary site investigation report shall be addressed in any subsequently submitted permit application.
7. The Director may make a decision to deny the permit for the facility based on location restrictions, the pre-application, the findings of the preliminary site investigation, preliminary geotechnical report, the applicant's response to the preliminary site investigation and other relevant data. A decision to deny the permit will be announced in accordance with the requirements of Regulation 8 and will be appealable to the Commission in accordance with the provisions of that regulation.

PRE-APPLICATION INSTRUCTIONS

Part I. Facility Type - The applicant should check the class of facility for which the pre-application is being submitted. The applicant may check more than one box if the pre-application includes more than one class of disposal, such as where a Class 1 landfill is proposed in combination with a Class 4 landfill. Additional pre-application fee will be required if more than one box is checked.

Parts II, III & IV. - Facility, Applicant, Owner - The name and address of the facility, applicant, and owner must be provided. The applicant must be the owner or operator of the facility and if the applicant does not perform both roles, the other party also must be identified.

Part V. Site Location - The proposed site must be described both in terms of a legal description and location referenced to common highways or landmarks and provide the type of access from dedicated public roads. Any deeds, leases, easements, licenses, etc. demonstrating ownership or control or providing access to the site should be described and included as an attachment to the pre-application.

Such a description might contain the following type of information:

"3 miles south of Anytown, Arkansas on State Highway 4000, then east on Anywhere County Road 29 for 1 mile, to the second private drive on the north side of the road east of the Tri-County Water tank. The applicant has obtained a license to use this private drive to access the site which is located approximately 1/4 mile down this private road."

Information on the site and area drainage characteristics should also be provided.

Such a description might contain the following type of information:

"Drainage across the site is generally toward the north and northeast, emptying into an unnamed tributary to Pristine Creek which runs southeast to northwest approximately 1/2 mile from the northern boundary of the site. Pristine Creek eventually empties into Clearwater River approximately 2 miles northwest of the site."

The applicant should provide information on the number of houses or dwellings within 2 miles of the site and how that information was determined. In most cases, this data can be determined from available maps and well logs, and verified by a field survey. Information on the nature and type of waste should also be provided. This information will usually include origins, amounts, seasonal variations, intermediate processing steps, potential end markets, and other data that is relevant to the proposed facility.

Part VI. Required Attachments - The required attachments are those necessary along with the properly completed pre-application form to be considered administratively complete. In order to provide for a timely, efficient review, it is recommended that these materials be submitted in an organized manner and indexed for easy reference.

All disposal facility pre-applications should include the following:

- Completed pre-application form;
- Pre-application fee in accordance with current fee schedule;
- Disclosure statement (Not required for governmental entities including federal, state, county, municipal, and regional solid waste authorities);
- A 7.5 minute quadrangle map showing the location of the facility property including disposal facility boundaries, area dwellings and water supplies;
- Documentation on whether the selected site is in conformance with the applicable airport safety, floodplain, wetlands, and separation distances location restrictions;
- Assurance in the form of a deed, lease, option, license, or other document that the permit applicant has the legal authority to enter the lands for purposes of performing site investigations and studies;
- Local authority and host community approval if required by Section 22.203, 22.204 or 22.205;
- A preliminary report providing data on site soil conditions, site and area geologic conditions, plus information on site and area hydrogeological conditions including area aquifers;
- Disposal facility pre-applications for other than a Class 3N facility should also include a Certificate of Need from the appropriate Regional Solid Waste District Management Board. Class 3N disposal facility pre-applications shall include the required notification to the Regional Solid Waste Management Board.
- Notification to Regional Solid Waste Management District and to local city or county with jurisdiction over the proposed site if required and any required responses from zoning commissions, planning commissions or other land-use authorities as required by 22.203, 22.204 or local law or ordinance.
- Proof of ownership of the facility or proof of ownership and a property executed Right of Entry form from the property owner where the facility is located must be provided.

Part VII. Certification - The pre-application shall be signed by the applicant or an authorized person as defined in Section 22.301(h) and signed by the professional consultant as required by 22.301(i).

SOLID WASTE DISPOSAL FACILITY PRE-APPLICATION FORM

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY
SOLID WASTE MANAGEMENT DIVISION
5301 NORTHSORE DRIVE
NORTH LITTLE ROCK, AR 72118

Pursuant to Section 22.302 of Regulation 22, Solid Waste Management, applicants for new solid waste disposal facilities as well as expansions to the currently permitted disposal area shall prepare and submit a pre-application before preparing detailed design drawings, narratives, or extensive geologic investigations.

I. FACILITY TYPE

(Check the one that applies)

SOLID WASTE DISPOSAL FACILITY

_____ Class 1 _____ Class 4 _____ Class 3C _____ Class 3N _____ Class 3T

II. FACILITY IDENTIFICATION

Facility Name: _____

Facility Location: _____

Site Manager: _____

Street Address: _____

City: _____ State: _____ Zip: _____

County: _____ Telephone Number: _____ Fax Number: _____

Section/Township/Range: _____

Longitude: _____ Latitude: _____

Facility Is: New _____ Existing _____

III. APPLICANT IDENTIFICATION

Name of Applicant: _____

Address of Applicant: _____

City: _____ State: _____ Zip: _____

Telephone Number: _____ Fax Number: _____

Is the applicant the Property Owner? Yes No If no, please fill out Section IV.

IV. OWNER IDENTIFICATION

Name of Property Owner: _____

Address of Property Owner: _____

City: _____ State: _____ Zip: _____

Property Owner Telephone Number: _____ Fax Number: _____

V. SITE LOCATION

Location of property referenced to known landmarks describing access roads to site: _____

Describe site and area drainage: _____

Houses/Dwellings within 2 miles of site & method used to determine: _____

Water supplies within 2 miles of site & method used to determine: _____

Describe the nature and type of waste the facility will dispose: _____

VI. REQUIRED ATTACHMENTS

- Completed pre-application form;
- Pre-application fee in accordance with current fee schedule;
- Disclosure statement (Not required for governmental entities including federal, state, county, municipal, and regional solid waste authorities);
- A 7.5 minute quadrangle map showing the location of the facility property including disposal facility boundaries, area dwellings and water supplies;
- Documentation on whether the selected site is in conformance with the applicable airport safety, floodplain, wetlands, and separation distances location restrictions;
- Assurance in the form of a deed, lease, option, license, or other document that the permit applicant has the legal authority to enter the lands for purposes of performing site investigations and studies;
- Local authority and host community approval if required by Section 22.203, 22.204 or 22.205;
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