



**GENERAL PERMIT
FOR CONSTRUCTION AND OPERATION OF
A YARD WASTE COMPOSTING FACILITY
(TYPE Y COMPOSTING FACILITY)
ISSUED BY STATE OF ARKANSAS
DEPARTMENT OF ENVIRONMENTAL QUALITY**

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) Regulation No. 22, the Department has the authority to issue general permits for certain categories of solid waste processing facilities. Pursuant to that authority, the Department has chosen to permit Type Y composting facilities through a general permit program.

EFFECTIVE DATE: October 2, 2017

EXPIRATION DATE: October 2, 2022

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 15th day of May, 2017

A handwritten signature in blue ink, appearing to read "Tammie J. Hynum", is written over a horizontal line.

Tammie J. Hynum
Acting Senior Operations Manager
Office of Land Resources
Arkansas Department of Environmental Quality

PERMIT REQUIREMENTS

I. PERMIT AREA

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

II. ELIGIBILITY AND AUTHORIZATION

- A. 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 Regulation No. 22 may be covered by this general permit.
- B. 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:
 - 1. The compliance history of the owners and operators of the facility or compliance history of the site;
 - 2. The size or capacity of the facility;
 - 3. Whether the facility was in existence prior to the effective date of amendments to APC&EC Regulation No. 22 (May 7, 1995);
 - 4. 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
 - 5. Other overriding environmental or public participation issues.
- C. 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 Regulation 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 Regulation No. 22.102, or other wastes outside the scope of the Type Y (CY) permit category listed in APC&EC Regulation No. 22.103(c) may not be covered by this general permit.
- D. 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 Regulation No. 22. Written notice of the facility is required by APC&EC Regulation No. 22.801(e)(1). See Attachment A of this permit for the *Exempt Small Composting Site*

Notification Form.

- E. Additional exemptions from permitting are outlined in APC&EC Regulation 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. Department notification is not required for sites which qualify for this exemption.
- F. 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 ADEQ –Recycling Branch. Forms will be made available on the ADEQ website. Chapter 10 of APC&EC Regulation 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.

III. NOTICE OF INTENT (NOI)

- A. 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 Department indicating their intent to be covered under the terms of this general permit. Unless otherwise notified in writing by the Department, owners or operators are authorized to operate under this general permit thirty (30) days after ADEQ 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.
- B. 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. All information required by the NOI form shall be provided.
- C. The NOI shall be signed by an authorized individual as defined in APC&EC Regulation No. 22.301(h) and signed and stamped by a registered professional engineer retained by the facility as required by APC&EC Regulation No. 22.301(i).
- D. 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 Department 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 section II.B.
- E. 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 Regulation No. 8 and APC&EC Regulation 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 Regulation No. 22, and other applicable regulations.

- F. 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 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 Regulation No. 22.307. Failure to notify the Department 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.

IV. DEADLINE FOR NOI SUBMITTAL

- A. An NOI for coverage under this general permit shall be submitted:
 - 1. For existing facilities, not later than August 2, 2017. Existing facilities which submit an NOI to be covered under this general permit by August 2, 2017, will be allowed to continue operating until a decision has been reached by the Department to allow or deny coverage under this general permit.
 - 2. For new or planned facilities, a minimum of thirty (30) days prior to commencement of construction.
- B. Any Department 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 Department termination of any coverage under this permit.
- C. 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.

V. TERMINATION OF COVERAGE

- A. 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 Department shall be notified in writing sixty (60) days prior to the proposed termination date of the general permit.
- B. Within ten (10) days of ceasing operations, all residuals and wastes shall be removed from the site and disposed at a properly permitted disposal 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 Department.

- C. 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 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 Department 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 Regulation No. 22.

VI. CONDITIONS FOR TYPE Y COMPOSTING GENERAL PERMIT

- A. 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 Regulation No. 22, and all other applicable rules and regulations.
- B. The permit holder shall pay an annual permit fee as specified in APC&EC Regulation No. 9.
- C. The Department 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.
- D. Any duly authorized officer, employee, or representative of the Department 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 Regulation No. 22.
- E. The facility shall be in compliance with the following location restrictions:
 - 1. 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.
 - 2. 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 regulations. 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.

3. 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 Regulation No. 22.203 unless specific geographic site approval has been received from the government(s) of jurisdiction.
 4. Composting areas or areas used for storing incoming materials or finished compost shall not be located within the following setback distances:
 - a. Fifty feet (50') of the property boundary;
 - b. One hundred feet (100') from a naturally occurring surface water body, stream or streambed; and
 - c. Two hundred feet (200') feet to an existing residence, place of business or drinking water supply not owned or leased by the applicant.
 5. 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.
- F. The compost operation shall be conducted in a manner which prevents pollution, public health hazards, nuisances, odors, and the harborage of vectors.
- G. Operation of the facility shall follow acceptable methods of composting as described in the approved operating plan which result 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.
- H. 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 Department.

- I. Facilities shall develop and implement contingency plans in the approved operating plan for the following items:
 - 1. 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;
 - 2. 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;
 - 3. 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.
 - 4. The plan shall provide any safety equipment that may be necessary due to site operations.

- J. All operations shall be supervised by a licensed on-site operator who is certified in accordance with APC&EC Regulation No. 27 during all hours of operation, and access to the facility shall be prohibited during non-operating hours.

- K. A written operating record shall be maintained. Records shall include at a minimum:
 - 1. Monitoring results of stormwater runoff and/or site discharges as required by facility NPDES permit(s);
 - 2. This permit, all approved NOI submittal documents for this permit, permit design drawings, operating plan and narrative including closure plan, modifications, annual reports, and Department correspondence;
 - 3. Facility operating records as required by APC&EC Regulation No. 22.808(a);
 - 4. Quantity, type, and source of incoming waste on a monthly basis;
 - 5. Quantity of compost sold or distributed on a monthly basis;
 - 6. Quantity of residue removed for disposal and the date and location of disposal;
 - 7. Any testing data including sampling information, chain of custody, and sample results that may be taken of compost products generated at the site; and
 - 8. Any other records required by APC&EC Regulation No. 22.

- L. The facility shall be operated in accordance with the provisions of the site-specific Operating Plan as approved by the Department and which meets all requirements of APC&EC Regulation 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 Department.

- M. The facility shall be constructed in accordance with the Design Narrative and Permit Plans and Specifications as approved by the Department and which meets all requirements of APC&EC Regulation No. 22, Chapter 8. Any changes to the approved design for the facility must be approved in writing by the Department prior to implementation.
- N. The composting area shall have a surface that can withstand heavy equipment loads and shall be sloped to prevent ponding of water.
- O. 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.
- P. 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.
- Q. 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.
- R. 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.
- S. The facility shall implement methods for controlling odor, noise, dust, vectors, litter or other nuisance or safety conditions including fire hazards.
- T. The facility shall have sufficient capacity to handle incoming materials and the storage of 6 months production of finished compost. Methods to handle and remove unacceptable wastes delivered to the facility shall be included in facility design.
- U. 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.

- V. 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 Section IV.C of this permit.

- W. The owner or operator shall prepare and file an annual report with the Department by March 31 of each year. The report shall cover the previous January through December and shall include at a minimum the following items:
 - 1. Monitoring results of stormwater runoff/or site discharges as required by facility NPDES permits;
 - 2. 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;
 - 3. Quantity, type, and source of incoming waste on a monthly basis;
 - 4. Quantity of compost sold or distributed on a monthly basis;
 - 5. Quantity of residue removed for disposal, and the date and location of disposal; and
 - 6. Any other information which may affect compliance with APC&EC Regulation No. 22.

- X. The owner or operator of the facility shall notify the Department 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 section V.B of this permit shall be met.

- Y. 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 Regulation No. 22.804(b)(9) and 22.810.

- Z. Owners and operators of permitted compost facilities shall post financial assurance in accordance with APC&EC Regulation No. 22. The method for furnishing the required amount of Financial Assurance shall be in accordance with APC&EC Regulation No. 22.1405.

- AA. 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 Department 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 Regulation 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.

BB. Financial assurance funds may be used by the Department, 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 Regulation 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 Regulation 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 Regulation No.22.801(e)(1)(ii) – The facility shall provide a written notice to the Department 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: ADEQ – Office of Land Resources Regulated Waste Operations 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) Regulation No. 8.207, public notice was given that the Arkansas Department of Environmental Quality (ADEQ) has made a decision to issue a general permit for the operation of yard waste composting facilities.

Final 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 Regulation 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 restrictions of APC&EC Regulation No. 22. APC&EC Regulation 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 shrubby 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 March 29, 2017. The end of the public comment period will be April 28, 2017. 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**

A 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:

8-4-203(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 general permitting requirements 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 condition is derived directly from Regulation 22 or is a specific requirement of Regulation 22.
(3)(B)	The terms and intent of the general permit have not changed materially from past revisions.
(3)(C)	N/A
(3)(D)	N/A

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

Permit No. 0000-SCYW

There have been no clarification updates in the General Permit. The only changes are reference corrections and renumbering of sections.
