

AUTHORIZATION TO CONSTRUCT AND OPERATE A SYSTEM ASSOCIATED WITH THE DISPOSAL OF WASTEWATER GENERATED BY OPERATIONS, AS DEFINED IN PART 1.2, THROUGH A SUBSURFACE FLUID DISTRIBUTION SYSTEM

In accordance with the provisions of the Arkansas Water and Air Pollution Control Act, Ark. Code Ann. § 8-4-101, *et. seq.*, Ark. Code Ann. § 8-4-201, *et. seq.*, and Arkansas Pollution Control and Ecology Commission (APC&EC) Rule 17 (Arkansas Underground Injection Control Code),

Operators of Subsurface Fluid Distribution Systems Located within the State of Arkansas

are authorized to construct and dispose of generated wastewater through a septic tank and subsurface fluid distribution system, except those operations which are excluded in Part 1.3 of this general permit, under the terms and conditions set forth in Parts 1 through 9.

Operators that are eligible for coverage under this general permit must submit a Notice of Intent (NOI) and other required documentation under Part 1.4 in order to operate under this general permit. Upon approval of the NOI, Arkansas Department of Energy and Environment - Division of Environmental Quality (DEQ) will send a Notice of Coverage (NOC) and a copy of the permit. The NOC may include DEQ's determination that a facility is covered under this general permit and may specify alternative requirements outlined in the permit, such as the inclusion of monitoring for parameters in addition to those requiring regular monitoring.

Operators within the State of Arkansas who fail to submit a written request to the Director for coverage under this general permit are not authorized to operate under this permit.

Effective Date: November 1, 2022

Expiration Date: October 31, 2027

Alan J. York
Associate Director, Office of Water Quality
Division of Environmental Quality

01/11/2022

Issue Date:

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PART 1: COVERAGE UNDER THIS PERMIT

1.1 Coverage under this General Permit

This general permit authorizes the construction and operation of a septic tank and subsurface fluid distribution system for wastewater from facilities located in the state of Arkansas. These systems are also classified as a Class V shallow injection well under the provisions of APC&EC Rule 17.

1.2 Eligibility and Authorization

This general permit covers new or existing facilities that intend to or currently dispose of wastewater through a septic tank and subsurface fluid distribution system, unless excluded under Part 1.3. A subsurface fluid distribution system must include properly designed components which may include lint filters, oil and grease separators, etc., in addition to septic tanks, distribution boxes, and field lines. The solid residues that are removed from the system must be disposed of according to federal, state, or local laws; rules; or ordinances and disposed in accordance with required permits or approvals required (see Part 6.4).

Facilities that are eligible for coverage under this permit are:

- 1.2.1. Carwashes;
- 1.2.2. Slaughterhouses;
- 1.2.3. Animal care facilities (e.g., kennels, veterinary clinics, groomers, etc.); and
- 1.2.4. Laundromats.

1.3 Exclusions

The following operations are not eligible for coverage under this general permit, but entities may apply for an individual permit:

- 1.3.1. Motor vehicle waste disposal wells, as described in APC&EC Rule 17.601 (16), which may receive wastes from vehicular repair or maintenance activities, such as automobile body shops, new or used car dealerships, specialty repair shops (e.g., transmission, muffler repair shops, etc.), or any facility that does vehicular repair work are excluded.
- 1.3.2. The operation of commercial subsurface fluid distribution systems that are designed for greater than 5,000 gallons per day are excluded.
- 1.3.3. The operation of all domestic subsurface fluid distribution systems are excluded.
- 1.3.4. Carwashes servicing industrial or commercial activities or fleets may be excluded by decision of the Director on a case-by-case basis upon consideration of the use of vehicles or exposure to pollutants.

- 1.3.5. The Director may exclude other activities based on case-by case basis, including but not limited to consideration of facility design or operational plans, pollutant generating activities, excessive risks for environmental exposure, and/or past history of violations at the facility or by the applicant.

The decision to exclude any activity from coverage under the terms of this permit shall be the sole decision of the Director of DEQ. Exclusion from coverage under this general permit in no way prevents an applicant from seeking individual no-discharge permit coverage, and shall provide no prejudice on subsequent permitting decisions.

1.4 Notification Requirements

- 1.4.1. Existing operations covered under the previous general permit for carwash facilities (0000-WG-CW) with septic tanks and subsurface fluid distributions systems that desire to continue coverage under this general permit must submit a completed Recertification Notice of Intent (NOI) thirty (30) days prior to the effective date of this permit. Carwash facilities covered under the previous general permit must submit a WMP if any part of the carwash operation has changes.
- 1.4.2. Facilities covered under an existing subsurface fluid distribution system individual permit that qualify for and desire coverage under this general permit shall submit the required information under Part 1.4.4 at least 180 days prior to the expiration date of their existing individual permit. Upon issuance of a Notice of Coverage for this general permit, the individual permit for the facility shall be considered terminated.
- 1.4.3. New facilities desiring coverage under this general permit shall submit the required information under Part 1.4.4 at least thirty (30) business days prior to the commencement of construction of the subsurface fluid distribution system. The operator shall notify DEQ twenty-four (24) hours before the start of construction and within twenty-four (24) hours after construction has been completed.
- 1.4.4. In order to construct and operate under this general permit an operator must:
 - 1.4.4.1. Meet the eligibility requirements identified in Part 1.2;
 - 1.4.4.2. Submit a complete and accurate Notice of Intent (NOI) with the information requirements identified in Part 1.4.5;
 - 1.4.4.3. Submit a complete and accurate Waste Management Plan (WMP) with the information requirements identified in Part 3.2;
 - 1.4.4.4. Submit a complete "Disclosure Statement" as required by APC&EC Rule 8.204(B).
 - 1.4.4.5. Except as provided below in Part 1.4.4.6, an initial fee of \$200 must accompany the NOI, as required by APC&EC Rule 9.404. An annual fee of

\$200 will apply to all facilities covered under this general permit in accordance with APC&EC Rule 9.

1.4.4.6. The initial fee does not need to be submitted by operators wishing only to renew coverage from the previous general permit or to transfer coverage from an existing individual permit to the general permit, provided the permittee has paid the regular annual permit fee.

1.4.5. The NOI shall contain, at the minimum, the following information:

1.4.5.1. Operator's name, mailing address, e-mail, and telephone number;

1.4.5.2. Consultant's name, mailing address, e-mail, and telephone number, if applicable;

1.4.5.3. Facility's name and location:

1.4.5.3.1. Physical Address (City, County, State);

1.4.5.3.2. Latitude and Longitude (in degrees, minutes, seconds);

1.4.5.4. Name and Distance to the nearest waterbody; and

1.4.5.5. Responsible Official Signature.

1.5 Termination of Coverage

1.5.1. Prior to termination of coverage, unless covered by an individual permit, the permittee shall have the septic tank pumped out by a licensed septic tank cleaner, collapsed, and filled with clean material. The permittee shall obtain and submit the licensed septic tank cleaner's certification of completion (invoice) and photographs documenting the closure of the septic tank.

1.5.1.1. The permittee must submit a closure plan to DEQ for review and approval within thirty (30) days of last date of operation at the facility, if the facility proposes an alternative to the above closure process.

1.5.2. The permittee must submit the NOT to DEQ within ten (10) working days after closure activities have been completed in accordance with Part 1.8.

1.5.3. If a NOT is submitted without meeting one or more of the conditions identified above, the NOT will not be valid. The facility must maintain compliance with all permit requirements until the waste disposal system is properly closed and permit coverage is terminated.

1.5.4. Permit coverage will not be terminated until DEQ notifies the operator.

1.6 Requiring an Individual Permit

1.6.1. At the discretion of the Director, DEQ may require any operator covered under this general permit to apply for and obtain an individual permit for reasons that include but are not limited to the following::

1.6.1.1. The permittee is determined to be a contributor of pollution;

1.6.1.2. The permittee is not in compliance with the conditions of the general permit;
or

1.6.1.3. A change has occurred in the availability of the demonstrated technology or practices for the control or abatement of pollution of the wastewater treatment system.

1.6.2. Any permittee covered by this general permit may request to be excluded from coverage by applying for an individual permit.

1.7 Availability of Information

A copy of this general permit, reference materials, and other information is available on the General No-Discharge Permits webpage of the DEQ website:

<https://www.adeg.state.ar.us/water/permits/nodischarge/general/>

Hard copies may also be obtained by contacting the No-Discharge Permits Section of the Office of Water Quality.

1.8 Where to Submit

The operator shall submit any documents, including a complete signed NOI and Waste Management Plan for coverage or a NOT to terminate coverage through ePortal, unless the operator receives a waiver from DEQ. See Part 1.8.3.

For additional information regarding this permit and waivers, please contact the No-Discharge Permits Section of the Office of Water Quality at (501) 682-0650.

1.8.1. The operator shall submit the application fee to DEQ through ePortal (when available), submit an email requesting an invoice be created to pay online, or mail in the invoice from ePortal with a check (listing the invoice number on the check) to the following address:

Division of Environmental Quality
ATTN: Fiscal
5301 Northshore Drive
North Little Rock, AR 72118-5317

NOTE: The Notice of Coverage (NOC) will not be issued until payment has been received by DEQ.

- 1.8.2.** Waivers from electronic reporting may be granted based on one of the following conditions:
- 1.8.2.1.** If the operational headquarters is physically located in a geographic area (i.e. zip code or census tract) that is identified as under-served for broadcast internet access in the most recent report from the Federal Communications Commission;
 - 1.8.2.2.** If available computer access or computer capability is limited; or
 - 1.8.2.3.** If the operator is a religious community that choose not to use certain modern technologies.
- 1.8.3.** In order to apply for a waiver from the electronic reporting, the operator must submit the required information outlined below:
- 1.8.3.1.** Facility name;
 - 1.8.3.2.** Permit number, if applicable;
 - 1.8.3.3.** Facility address;
 - 1.8.3.4.** Name, address, and contact information for the operator;
 - 1.8.3.5.** Brief written statement regarding the basis for claiming a waiver; and
 - 1.8.3.6.** Any other information required.
- 1.8.4.** Waivers from electronic reporting shall be mailed to the following address:
- Division of Environmental Quality
ATTN: Office of Water Quality - No-Discharge Permits Section
5301 Northshore Drive
North Little Rock, AR 72118-5317
- 1.8.5.** If DEQ grants a waiver approval to use a paper NOI, and the operator elects to use it, the operator must use the approved form developed by DEQ.

PART 2: EFFLUENT LIMITATIONS AND STANDARDS

- 2.1 Under the provisions of the Arkansas Water and Air Pollution Control Act, Ark. Code Ann. § 8-4-101, *et. seq.*, the discharge of wastes to the waters of the state from all wastewater treatment facilities is strictly prohibited under this permit.
- 2.2 Under the provisions of APC&EC Rule 17.301 and Title 40 of the Code of Federal Regulations (C.F.R.) Parts 144 and 146, promulgated under Part C of the Safe Drinking Water Act (SDWA), no owner or operator shall construct, operate, maintain, convert, plug, abandon, or conduct any other injection activity in a manner that may allow the movement of fluid containing any contaminant into an underground source of drinking water.
- 2.3 This general permit prohibits the discharge of any pollutants from the operation and any ancillary facilities to the waters of the state. These pollutants may include, but are not limited to: any wastewater generated; chemicals utilized in the operation; solids settled in basins, traps and ponds; lubricants, solvents, etc.; or precipitation coming in contact with the above-mentioned substances.
 - 2.3.1. The fluids from a carwash operation and ancillary facilities may also contain organic and inorganic chemicals; waste petroleum products; and pollutants in concentrations that may exceed the primary drinking water standards established in 40 C.F.R. Part 141. If the system is designed to take these types of fluids, it is no longer a carwash facility but a motor vehicle waste disposal well, as defined in 40 C.F.R. § 144.81, and will require additional permitting or closure in accordance with APC&EC Rule 17 and 40 C.F.R. Parts 144 and 146.
 - 2.3.2. Spills of fluids other than those associated with normal activities associated with the operation shall be cleaned up expeditiously and not be allowed to enter the wastewater treatment system. No spills of fluids shall be allowed to enter waters of the state.
- 2.4 The permittee shall ensure that appropriate waste handling equipment is available for effective operation of the system.
- 2.5 Final disposal of any solids or oil/grease accumulated shall be in accordance with methods approved by the Division.
- 2.6 The Division has no responsibility for the adequacy or proper functioning of the septic tank and subsurface fluid distribution system.

PART 3: WASTE MANAGEMENT PLANS AND MONITORING REQUIREMENTS

- 3.1** The NOI and approved Waste Management Plan (WMP) submitted for the wastewater treatment system are hereby incorporated in the Notice of Coverage by reference. As a result, all provisions and information contained in these documents become enforceable conditions of this general permit. If the WMP is found to be inconsistent with the permit, then the WMP shall be revised to conform to the permit conditions.
- 3.2** The WMP for the wastewater treatment system must be prepared and certified by an Arkansas Licensed Professional Engineer or Department of Health Designated Representative and shall be submitted to DEQ containing, at a minimum, the following information:
- 3.2.1.** Narrative Discussion regarding:
- 3.2.1.1.** Type of operation;
 - 3.2.1.2.** Water source(s) for the operation;
 - 3.2.1.3.** Description of the waste-generating process (including the daily and yearly maximum and average volumes);
 - 3.2.1.4.** List of chemicals and materials utilized in the waste-generating process;
 - 3.2.1.5.** Frequency and practices for removing accumulated solids;
 - 3.2.1.6.** Methods of disposal of accumulated solids;
 - 3.2.1.7.** Number and dimension of components of the wastewater treatment system (i.e. number and size of septic tanks, grease traps, lint filters, distribution boxes, field lines, etc.);
 - 3.2.1.8.** Results of loading rates for the primary and secondary absorption areas; and
 - 3.2.1.9.** Depth to groundwater.
- 3.2.2.** Design calculations of the following system components:
- 3.2.2.1.** Sizing of the septic tank(s).
 - 3.2.2.1.1.** The septic tank must be designed for a minimum of 48 hours of detention time for new facilities or facilities that modify their existing holding tank(s). If septic tanks are used in series, the first tank must be at least 50% of the total septic tank design capacity.

- 3.2.2.1.2.** Facilities that were previously covered under the general permit for carwashes or an individual permit must maintain previously permitted design capacity of the septic tank. If the facility modifies the design, then the modified portion would need to meet the requirements listed in Part 3.2.2.1.1.
- 3.2.2.2.** Sizing of the absorption area. If the soil is acceptable for the installation of an absorption area, then the area will be sized based on a percolation test or seasonal water table determination (must be designed by a qualified Soil Qualified Designated Representative). Percolation tests must consist of three or more test holes in the absorption area. The most limiting loading rate must be used to design the absorption area. The average loading rate should not be used to design the absorption area. The slope of the absorption area cannot exceed 12%. Field lines cannot exceed a maximum length of 100 feet.
- 3.2.3.** Design drawings must include the following:
- 3.2.3.1.** A compass indicating the direction of North;
- 3.2.3.2.** The property's slope and direction of slope;
- 3.2.3.3.** Lot dimensions, property lines, and required setbacks listed below:
- 3.2.3.3.1.** 300 feet from the ordinary high water mark of any waters of the state, if within one quarter mile of a public water supply intake on that waterbody or any spring used as a public water supply;
- 3.2.3.3.2.** 100 feet from the ordinary high water mark of streams including intermittent streams, ponds, lakes, springs, sinkholes, rock outcrops, wells, and domestic water supplies; and
- 3.2.3.3.3.** 10 feet from any building, property lines, or water service line.
- 3.2.3.3.4.** If a waste generating facility is within 300 feet of a sanitary sewer from where the sewer exits the facility and will not cross another property, then the facility must connect to the sanitary sewer unless the facility generates industrial waste and is prohibited.
- 3.2.3.4.** System Layout with dimensions and sizes of all components as well as the location of the waste generating facility and all system components (number of washing machines, number of washing bays, grease traps, lint filters, septic tanks, pipes, primary absorption area, secondary absorption area, etc.). Grit chambers and grease traps are recommended as part of the design for car and truck washes. Lint filters are recommended as part of the design for laundromat facilities.

- 3.2.3.5.** Location of all percolation test holes, soil pits, and soil determinations.
- 3.2.3.6.** Features affecting the location of the primary and secondary absorption areas.

3.2.4. The following maps must be submitted:

- 3.2.4.1.** Aerial Map - Copies (8 ½" X 11") of an aerial map (e.g. Google Earth) showing the location of the system, the nearest potentially affected stream(s), and the required setbacks. All features (such as buildings, ponds, etc.) in existence but not shown on the map(s) must be noted. In addition, approximate soil series boundaries, water supplies, streams, ponds, property lines, dwellings, roads, field slopes, buffer zones, and any other information deemed relevant by the applicant should be indicated.
- 3.2.4.2.** Topographic Map and County map(s) - Copies (8 ½" X 11") of both USGS topographic map(s) (quad sheet) and county map(s) showing the location of the facility, the nearest potentially affected stream(s), and the distance and directions from the nearest State Highway intersection or community. All features (such as buildings, ponds, etc.) in existence but not shown on the map(s) must be noted. The name of the USGS topographic map(s) used for each map submitted in the waste management plan must be indicated.

3.3 Accumulated materials such as solids, oil, grease, and etc., shall be removed as recommended in the WMP to maintain design volume of the system and to protect the system.

3.4 The system shall be inspected and maintained annually by a Septic Tank Cleaner for the following items:

- 3.4.1.** Check thickness of sludge and scum;
- 3.4.2.** Clean effluent filters; and
- 3.4.3.** Make necessary repairs to pumps, tanks, valves, or hydrosplitters.
- 3.4.4.** Septic tank(s) should be pumped if the bottom of the scum mat is less than three (3) inches from the bottom of the effluent filter or the sludge layer is less than twelve (12) inches from the bottom of the effluent filter.
- 3.4.5.** If septic tank(s) is/are pumped, inspect the tank(s) for cracks in the walls or baffles, signs of deterioration, or other issues that will affect the life of the septic tank(s).

PART 4: RECORDKEEPING REQUIREMENTS

- 4.1** The permittee shall maintain current and complete records of all activities related to the removal of wastes generated by the operation of the facility for a period of three (3) years. Records must be made available to DEQ personnel upon request. The following information shall be recorded:
- 4.1.1.** Date of waste removal activity;
 - 4.1.2.** Volume or weight of material removed;
 - 4.1.3.** Type of material removed;
 - 4.1.4.** Interim or final destination of material discarded;
 - 4.1.5.** Complete identification of the carrier(s) transporting the material; and
 - 4.1.6.** If the waste is to be recycled or reused, documentation of the name and address of the receiving entity or firm.
- 4.2** The permittee shall maintain records of the annual inspection and maintenance conducted by the Septic Tank Cleaner for a period of three (3) years.

PART 5: STANDARD CONDITIONS

5.1 Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Arkansas Water and Air Pollution Control Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of the recertification notice of intent.

5.2 Penalties for Violations of Permit Conditions

The Arkansas Water and Air Pollution Control Act provides that any person who violates any provisions of a permit issued under the Act shall be guilty of a misdemeanor and upon conviction thereof shall be subject to imprisonment for not more than one (1) year, or a fine of not more than twenty-five thousand dollars (\$25,000) or by both such fine and imprisonment for each day of such violation. Any person who violates any provision of a permit issued under the Act may also be subject to civil penalty in such amount as the court shall find appropriate, not to exceed ten thousand dollars (\$10,000) for each day of such violation. The fact that any such violation may constitute a misdemeanor shall not be a bar to the maintenance of such civil action.

5.3 Permit actions

5.3.1. This permit may be modified; revoked and reissued; or terminated for cause including, but not limited to, the following:

5.3.1.1. Violation of any terms or conditions of this permit;

5.3.1.2. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;

5.3.1.3. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination;

5.3.1.4. Failure of the permittee to comply with the provisions of APC&EC Rule 9 (Fee Regulation).

5.3.2. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not suspend any permit condition.

5.4 Civil and Criminal Liability

Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Any false or materially misleading representation or concealment of information required to be reported by the provisions of this permit or applicable state statutes or rules which defeats the regulatory purposes of the permit may subject the permittee to criminal

enforcement pursuant to the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. § 8-4-101, *et seq.*).

5.5 Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act and Section 106 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

5.6 Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws, regulations, or rules.

5.7 Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provisions of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

5.8 Permit Fees

The permittee shall comply with all applicable permit fee requirements for No-Discharge permits as described in APC&EC Rule 9 (Fee Rule). Failure to promptly remit all required fees shall be grounds for the Director to initiate action to revoke this permit.

5.9 Applicable Federal, State, or Local Requirements

Permittees are responsible for compliance with all applicable terms and conditions of this permit. Receipt of this permit does not relieve any operator of the responsibility to comply with any other applicable federal, state or local statute, ordinance, policy, or rule.

5.10 Reopener Clause

The permit may be modified, or alternatively, revoked and reissued, if new information is received that was not available at the time of permit issuance that would have justified the application of different permit conditions at the time of permit issuance.

5.11 Continuation of the Expired General Permit

If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with the Ark. Code Ann. § 8-4-203(m) and the terms and conditions of the permit shall remain in force and effect. If permit coverage was granted prior to the expiration date, the permittee will automatically remain covered by the continued permit until the earliest of:

- 5.11.1.** Reissuance or replacement of this permit, at which time the operator must comply with the conditions of the new permit to maintain authorization;
- 5.11.2.** Submittal of a Notice of Termination (NOT) by the permittee, and confirmation of termination by DEQ;
- 5.11.3.** Issuance of an individual permit for the facility, or other general permit, for the facility's operation; or
- 5.11.4.** A formal permit decision by the DEQ to not re-issue this general permit, at which time you must seek coverage under an individual permit or other general permits, if available; or
- 5.11.5.** Notification from DEQ that the permittee is no longer covered under this general permit.

PART 6: OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

6.1 Proper Operation and Maintenance

- 6.1.1.** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
- 6.1.2.** The permittee shall provide an adequate operating staff which is duly qualified to carryout operation, maintenance, and testing functions required to ensure compliance with the conditions of this permit.

6.2 Need to Halt or Reduce Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. Upon reduction, loss, or failure of the wastewater treatment facility, the permittee shall, to the extent necessary to maintain compliance with its permit, control all phases of the disposal activity until the facility is restored or an alternative method of disposal is provided.

6.3 Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affection human health or the environment.

6.4 Removed Substances

Solids, oil and grease, or other pollutants removed in the course of treatment or control of wastewater shall be disposed of in a manner such as to prevent any pollutant from such materials from entering the waters of the state. The permittee must comply with all applicable State and Federal regulations and rules governing the disposal of solids, including but not limited to 40 C.F.R. § 503, 40 C.F.R. § 257, and 40 C.F.R. § 258.

PART 7: MONITORING AND RECORDS

7.1 Penalties for Tampering

The Arkansas Water and Air Pollution Control Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under the Act shall be guilty of a misdemeanor and upon conviction thereof shall be subject to imprisonment for not more than one (1) year or a fine of not more than ten thousand dollars (\$10,000) or by both such fine and imprisonment.

7.2 Inspection and Entry

The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

- 7.2.1.** Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- 7.2.2.** Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- 7.2.3.** Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit;
- 7.2.4.** Sample, inspect, or monitor at reasonable times, for the purposes of assuring permit compliance, any substances or parameters at any location.

7.3 Duty to Provide Information

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the facility's coverage under this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit. Information shall be submitted in the form, manner, and time frame requested by the Director.

PART 8: REPORTING REQUIREMENTS

8.1 Planned Changes

The permittee shall give notice and provide the necessary information to the Director for review and approval as soon as possible but no later than 180 days prior to any planned physical alterations or additions to the permitted facility.

8.2 Anticipated Noncompliance

The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

8.3 Transfers

Facilities authorized under this permit that undergo a change in ownership or name change must submit a Permit Transfer form to the Director. A Permit Transfer form can be obtained from the Permits Section of the Office of Water Quality at the following website:

<https://www.adeq.state.ar.us/water/permits/pdfs/water-permit-transfer-form.pdf>

For an ownership change, the Permit Transfer form must be submitted a minimum of thirty (30) days prior to the date the transfer to the new permittee will take place. A Disclosure Statement will be required for the new owner unless exempted by Arkansas Code Annotated § 8-1-106(b). The new owner must comply with the existing permit for the facility during the interim period.

8.4 Reporting of Violations and Unauthorized Discharges

8.4.1. Any violations of this permit must be reported to the Enforcement Branch of the Office of Water Quality (OWQ) immediately. Any leaks or seeps shall be reported to the OWQ and appropriately corrected. Any discharge from the fluids storage system such as an overflow, broken pipe, etc., shall be reported immediately (within 24 hours) to the OWQ.

8.4.2. The operator shall visually monitor and report immediately (within 24 hours) to the Enforcement Branch any unauthorized discharge from the facility caused by structural failure, equipment breakdown, human error, etc., and shall follow up with a written report within five (5) days of such occurrence. The written report shall contain the following:

8.4.2.1. A description of the permit violation and its cause;

8.4.2.2. The period of the violation, including exact times and dates;

8.4.2.3. If the violation has not been corrected, the anticipated time it is expected to correct the violation; and

8.4.2.4. Steps taken or planned to reduce, eliminate, and prevent the recurrence of the violation.

8.4.3. Reports shall be submitted to the Enforcement Branch at the following address:

Division of Environmental Quality
Office of Water Quality, Enforcement Branch
5301 Northshore Dr.
North Little Rock, Arkansas 72118-5317

Or

Water-enforcement-report@adeq.state.ar.us

8.5 Duty to Reapply

Existing facilities covered under the previous general permit desiring to continue coverage under this general permit must submit a completed Recertification Notice of Intent (NOI) thirty (30) days prior to the effective date of the renewal permit.

8.6 Availability of Reports

Except for data determined to be confidential under the Arkansas Trade Secrets Act, Ark. Code Ann. § 4-75-601 *et. seq.*, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the Division of Environmental Quality. The name and address of any permit applicant or permittee; permit applications; permits; and effluent data shall not be considered confidential.

8.7 Signatory Requirements

8.7.1. All applications, reports, or information submitted to the Director shall be signed and certified. All permit applications shall be signed as follows:

8.7.1.1. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

8.7.1.1.1. A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

8.7.1.1.2. The manager of one or more manufacturing, production, or operation facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and direction other comprehensive measures to assure long term environmental compliance with environmental laws and rules; the manager can ensure that the necessary systems are

established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

8.7.1.2. For a partnership or sole proprietorship: by a general partner or proprietor, respectively; or

8.7.1.3. For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive office of a Federal agency includes:

8.7.1.3.1. The chief executive officer of the agency, or

8.7.1.3.2. A senior executive office having responsibility for the overall operations of a principal geographic unit of the agency.

8.7.2. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

8.7.2.1. The authorization is made in writing by a person described above.

8.7.2.2. The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position; and

8.7.2.3. The written authorization is submitted to the Director.

8.7.3. Any person signing a document under this section shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

8.8 Penalties for Falsification of Reports

The Arkansas Water and Air Pollution Control Act provides that any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this permit shall be subject to civil

penalties and/or criminal penalties under the authority of the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. § 8-4-101, *et seq.*).

PART 9: DEFINITIONS

As used in this permit, unless the context otherwise requires, the terms below will have the following definitions:

- 9.1 Act - means the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. § 8-4-101, *et seq.*), as amended.
- 9.2 APC&EC - means the Arkansas Pollution and Control Ecology Commission.
- 9.3 AEE or Department - means the Department of Energy and Environment.
- 9.4 DEQ or Division - means the Division of Environmental Quality.
- 9.5 Director - means the Director of the Division of Environmental Quality or his/her designated representative.
- 9.6 Discharge - means a discrete point source of waste or wastewater entering into waters of the state.
- 9.7 NOI - means Notice of Intent to be covered by this permit.
- 9.8 NOT - means Notice of Termination to terminate coverage under this permit.
- 9.9 Operator - means any person (an individual, association, partnership, corporation, municipality, state, or federal agency) who has the primary management and ultimate decision-making responsibility over the operation of a facility or activity. The operator is responsible for ensuring compliance with all applicable environmental rules and conditions.
- 9.10 OWQ - means the Division of Environmental Quality - Office of Water Quality.
- 9.11 Person - means natural person, corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, or any other legal entity.
- 9.12 Pollution - means such contamination or other alteration of the physical, chemical, or biological properties of any waters of the state or such discharge of any liquid, gaseous, or solid substance in any waters of the state as will, or is likely to, render the waters harmful, detrimental, or injurious to public health, safety, or welfare; to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses; or to livestock, wild animals, birds, fish, or other aquatic life.
- 9.13 Septic Tank Cleaner - means a Department of Health Licensed Septic Tank Cleaner.
- 9.14 Subsurface fluid distribution system - means a septic system with properly designed components such as lint filters, oil and grease separators, and etc., as well as septic tanks, distribution boxes, and field lines.

- 9.15** Waters of the State - means all streams, lakes, marshes, ponds, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through, or border upon this State or any portion of this State as defined by the Ark. Code Ann. § 8-4-102.