

**FACT SHEET
FOR DRAFT RENEWAL GENERAL PERMIT NUMBER 0000-WG-CW
FOR THE SUBSURFACE DISPOSAL OF
WASTEWATER GENERATED BY CARWASH FACILITIES**

Information in this part is organized as follows:

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1. Background

1.1. *General Permit Coverage*

Pursuant to the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. § 8-4-203), the Arkansas Department of Environmental Quality (ADEQ) has the power to issue permits “to prevent, control or abate pollution.” Therefore, any waste disposal system that does not discharge directly into waters of the State must be operated under the terms and conditions of a State Water Permit. Initially to satisfy the permit requirement, ADEQ issued individual permits to operate a system associated with the disposal of wastewater generated by carwash operations through a subsurface distribution system. Given the number of carwash facilities requiring No-Discharge permit coverage, the Arkansas Department of Environmental Quality (ADEQ) believes that it makes administrative sense to issue the general permit, rather than issuing individual permits to each facility.

The violation of any condition of a general permit constitutes a violation of Ark. Code Ann. § 8-4-217 and may subject the operator to penalties and revocation of coverage under the general permit. Operators that are considered qualified for coverage under this general permit must submit a written Notice of Intent (NOI) to the Director for coverage under the general permit.

1.2. *Permit History*

The carwash general permit was originally issued on June 21, 2002 with an effective date of July 1, 2002 and an expiration date of June 30, 2007. The previous general permit for carwash facilities was issued October 31, 2007 with an effective date of November 1, 2007 and an expiration date of October 31, 2012. It is proposed that the general permit be reissued for a 5-year term from the effective date of the permit.

2. Permit Conditions and Basis

ADEQ has made a determination to reissue a general permit for the disposal of wastewater generated by carwash operations through a subsurface distribution system. Permit requirements and conditions are based on the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. 8-4-101 *et seq.*, and Ark. Code Ann. § 8-4-201 *et seq.*), Title 40 of the Codes of Federal Regulations (Parts 122, 141, 144, and 146), and regulations promulgated thereto and APC&EC Regulation No. 17, Arkansas Underground Injection Control (UIC) Code.

Specific permit conditions and limits rationalization and sources are listed as follows:

Part 1: Permit Coverage

Eligibility

All existing or proposed carwash operations may apply for coverage under the general permit provided they dispose of the wastewater through subsurface systems. The Department reserves the right of providing coverage under the general permit. The operator has the option of obtaining, or retaining, an individual permit if this is the operator's preferred alternative.

Notification Requirements

Operators of facilities 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. This is the minimum information that ADEQ needs to evaluate the subsurface distribution system.

Operators covered under the previous general permit will be sent a pre-prepared Notice of Intent containing the most recent information available to the Department. If the operator wishes to continue coverage under the general permit he should review the information contained the Notice of Intent to ensure all fields are complete and accurate and make any changes as necessary. Once the Notice of Intent is updated the permittee should sign, date and return the NOI to the Department.

Termination of Coverage

Operators covered under this general permit that wants to terminate coverage of this general permit must submit a Notice of Termination (NOT) and other required documentation under Part 1.6 in order to cease coverage under this permit. This information provides ADEQ with proper notification that the Operator no longer chooses to operate under the general permit and demonstrates that the system has been properly closed. Procurers for closure of the septic system were adopted from the Arkansas Department of Health

Rules and Regulations Pertaining to Onsite Wastewater Systems. It is Best Professional Judgment that these procedures prevent contamination from entering waters of the state.

Reopener Clause

This condition was added to the permit to give ADEQ the right to alter the Notice of Coverage based on new information or regulation.

Part 2: Effluent Limitations and Standards

All conditions are based on Arkansas Water and Air Pollution Control Act (Ark. Code Ann. § 8-4-101, Title 40 of the Code of Federal Regulations (C.F.R.), and Arkansas Pollution Control and Ecology Commission (APC&EC) Regulation No. 17. Each condition has been cited; however, Part 2.5 through 2.9 was added to this permit to prevent pollutants from entering the waters of the State.

Part 3: Waste Management Plans (WMP) and Monitoring Requirements

Any information submitted in the approved WMP or the NOI is incorporated into the permit by reference; therefore this information becomes enforceable. The WMP provides the Department with the operational plans & specifications of the subsurface distribution system, direction on how to maintain the system, and disposal methods and therefore, should be prepared by someone who is knowledgeable of the system. To ensure proper installation and operation of these systems the Department is requiring that all new facilities must have the Waste Management Plan signed and stamped by either an Arkansas registered Professional Engineer or an Arkansas Department of Health designated Representative.

The monitoring requirements were added to this permit to ensure the permittee is properly operating and maintaining the subsurface distribution system.

Part 4: Record Keeping Requirements

This condition is applicable to all no-discharge subsurface distribution systems that have been included in this permit are based on best engineering judgment. These records are required to ensure the proper operation and maintenance of the subsurface system.

Part 5-8: Standard Conditions, Operation and Maintenance of Pollution Controls, Monitoring and Records; and Reporting Requirements

These conditions have been included in this permit based on best engineering judgment and the authority of the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. § 8-4-101 *et. seq.*). These conditions were taken from 40 C.F.R. Part 122.41 for administrative purpose and for the operators understanding.

3. Changes from Previous Permit

- 3.1. The permit has been reorganized.
- 3.2. The permit requires all new Waste Management Plans to be stamped and signed by an Arkansas registered professional engineer or an Arkansas Department of Health Designated Representative.
- 3.3. The Department added detail to the waste management plan requirements.
- 3.4. The Department added requirements for terminating the permit.
- 3.5. The Department added monitoring requirements for the septic tank(s); additional standard conditions; additional operation and maintenance of pollution controls; and reporting requirements.
- 3.6. The Department added definitions for APC&EC, discharge, operator, and pollution.

4. Sources

The following sources were used to draft the renewal permit:

- 4.1. Permit file 0000-WG-CW ;
- 4.2. Ark. Code Ann. § 8-4-101 *et. seq.*, Arkansas Water and Air Pollution Control Act;
- 4.3. Ark. Code Ann. § 4-75-601 *et. seq.*, Arkansas Trade Secrets Act;
- 4.4. APC&EC Regulation No.8, Administrative Procedures, as amended;
- 4.5. APC&EC Regulation No. 9, Fee System for Environmental Permits, as amended;
- 4.6. APC&EC Regulation No. 17, Arkansas Underground Injection Control Code, as amended;
- 4.7. Arkansas Department of Health, Rules and Regulations to Onsite Wastewater Systems; and
- 4.8. 40 C.F.R. Parts 122, 141, 144, 146.

5. Public Notice and Hearing

The ADEQ Water Division will hold a public meeting and hearing on April 2, 2012 in North Little Rock, AR to discuss the draft permit and address public concerns. The event will begin at 2:00 p.m. at ADEQ, 5301 Northshore Drive, in North Little Rock, Arkansas 72118.

The public notice describes the procedures for the formulation of final determinations and shall provide for a public comment period of 30 days. During this period, any interested persons may submit written comments on the permit and may request a public hearing to clarify issues involved in the permitting decision. A request for a public hearing shall be in writing and shall state the nature of the issue(s) proposed to be raised in the hearing. A public hearing will be held if ADEQ finds a significant degree of public interest.

The ADEQ will notify via an e-mail public notice of the permit to the Corps of Engineers, the U.S. Fish and Wildlife Service, the Arkansas Game and Fish, the

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Department of Arkansas Heritage, the EPA, and the Arkansas Department of Health for review and comments.