

**AUTHORIZATION TO CONSTRUCT AND OPERATE A SYSTEM ASSOCIATED WITH
THE DISPOSAL OF WASTEWATER GENERATED BY CARWASH OPERATIONS
THROUGH A SUBSURFACE 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) Regulation No. 17 (Arkansas Underground Injection Control Code),

Operators of a Carwash Facility Located within the State of Arkansas

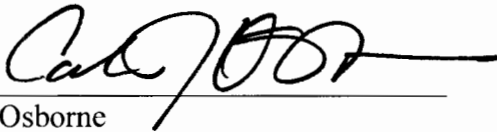
are authorized to dispose of the wastewater generated by the carwash operation through a subsurface distribution system, except those facilities which are excluded in Part 1.3 of this general permit, under the terms and conditions set forth in Parts 1 through 9.

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, ADEQ will send a Notice of Coverage (NOC) and a copy of the permit. The NOC may include ADEQ'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, 2017

Expiration Date: October 31, 2022



Caleb J. Osborne
Associate Director, Office of Water Quality
Arkansas Department of Environmental Quality



Issue Date:

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PART 1 PERMIT COVERAGE

1.1 Coverage under this General Permit

This general permit authorizes the subsurface disposal of wastewater generated by carwash operations located in the state of Arkansas. This system is also classified as a Class V shallow injection well under the provisions of APC&EC Regulation No. 17.

1.2 Eligibility

This permit is available to carwash operations, unless excluded under Part 1.3, new or existing that intends to or currently disposes of the wastewater generated by the carwash operation through subsurface distribution systems. Subsurface distribution systems, also known as septic systems, must include properly designed oil and grease separators; septic tanks; distribution boxes; and field lines. The solid residues that are collected in the solids pit, the oil and grease collected in the separators, and the septic tanks must be disposed of according to Department-approved methods.

1.3 Limitations on Coverage

The following operations are not eligible for coverage under this general permit, but may apply for an individual permit or other general permit as applicable:

- 1.3.1 The operation of motor vehicle waste disposal wells, as described in Reg. 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 is strictly prohibited.
- 1.3.2 The Director reserves the right to require coverage for carwash facilities under an individual permit.
- 1.3.3 Any carwash facility excluded from coverage under this general permit shall apply for an individual permit.

1.4 Notification Requirements

- 1.4.1 Existing carwash 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 this permit.
- 1.4.2 Carwash facilities covered under an existing individual carwash permit desiring coverage under this general permit must submit the required information under Part 1.4.4 at least 180 days prior to the expiration date of the individual permit. The individual permits shall be considered terminated on issuance of the Notice of Coverage.

- 1.4.3 New Carwash facilities desiring coverage under this general permit shall submit the required information under Part 1.4.4 at least thirty (30) working days prior to the commencement of construction of the subsurface treatment and disposal system.
- 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. Carwash facilities covered under the previous general permit must submit a WMP if any part of the carwash operation has changes;
 - 1.4.4.4 Submit a complete “Disclosure Statement” as required by APC&EC Reg. 8.204(B). A copy of the “Disclosure Statement” form may be obtained from ADEQ upon request or from the ADEQ website at: http://www.adeg.state.ar.us/disclosure_stmt.pdf
 - 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 Reg. 9.404. An annual fee of \$200 will apply to all facilities covered under this general permit in accordance with Reg. 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 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, address, e-mail, and telephone number;
 - 1.4.5.2 Consultant’s name, 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);
 - 1.4.5.3.3 Section, Township, Range (including the 1/4 of the 1/4 position within the Section); and
 - 1.4.5.4 Name and Distance to the nearest waterbody;

1.4.5.5 Signature required.

1.5 Continuation of the Permit

1.5.1 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 and the terms and conditions of the permit shall remain in effect. If permit coverage was granted prior to the expiration date, permittees will automatically remain covered by the continued permit until the earliest of:

1.5.1.1 Reissuance or replacement of this permit, at which time the operator must submit a recertification NOI and comply with the conditions of the new permit to maintain authorization;

1.5.1.2 Submittal of a Notice of Termination (NOT);

1.5.1.3 Issuance of an individual permit for the facility; or

1.5.1.4 A formal permit decision by the ADEQ to not re-issue this general permit, at which time you must seek coverage under an individual permit or other general permits, if available.

1.6 Termination Coverage

1.6.1 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).

1.6.2 The permittee must submit the NOT within ten (10) working days after activities have ceased. The NOT shall contain, at the minimum, the following information:

1.6.2.1 Operator's name, address, e-mail, and telephone number;

1.6.2.2 Consultant's name, address, e-mail, and telephone number, if applicable;

1.6.2.3 Facility's name and location:

1.6.2.3.1 Physical Address (City, County, State);

1.6.2.3.2 Latitude and Longitude (in degrees, minutes, seconds);

1.6.2.3.3 Section, Township, Range (including the 1/4 of the 1/4 position within the Section); and

1.6.2.3.4 Driving directions to the facility.

1.6.2.4 Signature required.

1.6.3 If a NOT is submitted without meeting one or more of the conditions identified

above, the NOT will not be valid. The carwash facility must maintain compliance with all permit requirements until the waste disposal system is properly closed and the permit is terminated.

1.6.4 Permit coverage will not be terminated until the Department notifies the operator.

1.7 Requiring an Individual Permit

1.7.1 The Director may require any person authorized to operate under the terms and conditions of this general permit to apply for and obtain an individual permit when:

1.7.1.1 The permittee is determined to be a contributor of pollution;

1.7.1.2 The permittee is not in compliance with the conditions of this general permit; or

1.7.1.3 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.

1.8 Where to Submit

The operator shall submit a complete signed NOI, NOT, and other information requested by the Department at one of the following addresses:

Arkansas Department of Environmental Quality
Office of Water Quality, No-Discharge Permits Section
5301 Northshore Drive
North Little Rock, AR 72218-5317

Or

Water-permit-application@adeq.state.ar.us

Or

<https://Eportal.adeq.state.ar.us>

1.9 Reopener Clause

The Notice of Coverage 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.

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 water treatment facilities is strictly prohibited.
- 2.2 Under the provisions of APC&EC Regulation No. 17 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 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 to an underground source of drinking water.
- 2.3 This general permit prohibits the discharge of any pollutants from the carwash operation and ancillary facilities to the waters of the State. These pollutants may include, but are not limited to: any wastewater generated; chemicals utilized in the carwash operation; solids settled in basins, traps and ponds; lubricants, solvents, etc.; or precipitation coming in contact with the above-mentioned substances. The fluids 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 Regulation No. 17 and 40 C.F.R. Parts 144 and 146.
- 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 Department.
- 2.6 Spills of fluids other than those associated with normal car, truck, or heavy equipment washing activities shall be cleaned up expeditiously and not allowed to enter the waste treatment system or the waters of the state.
- 2.7 The Department has no responsibility for the adequacy or proper functioning of the waste disposal system.

PART 3**WASTE MANAGEMENT PLANS AND MONITORING REQUIREMENTS**

- 3.1.** The NOI and approved Waste Management Plan (WMP) submitted for the waste disposal operation are hereby incorporated into 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, the WMP shall be revised to conform to the permit conditions.
- 3.2.** The WMP for the Carwash must be signed and approved by an Arkansas Licensed Professional Engineer or an Arkansas Department of Health Designated Representative and shall be submitted to the Department containing, at the minimum, the following information:
- 3.2.1.** A plan discussing the treatment of the wastewater disposal system that includes:
- 3.2.1.1. Water source(s) for the carwash operation;
 - 3.2.1.2. Number and dimensions of septic tanks, solid pits, and oil & grease separators;
 - 3.2.1.3. Number and size of the distribution boxes;
 - 3.2.1.4. Number, diameter, and length of the field lines;
 - 3.2.1.5. Results of soil perk or soil morphology;
 - 3.2.1.6. Depth to the shallowest water table;
 - 3.2.1.7. Number of carwash bays;
 - 3.2.1.8. A list of all chemicals and materials utilized in the carwash process;
 - 3.2.1.9. Carwash peak and average wastewater generation expressed in gallons per day;
 - 3.2.1.10. Estimated monthly amounts of solids collected in the bay pits and oil/grease traps;
 - 3.2.1.11. Frequency or practices for removing solids for disposal; and
 - 3.2.1.12. Method of disposal of pit solids and separated oil and grease.
- 3.2.2.** A copy (8 ½" X 11") of **both** the USGS topographic quad sheet map and county map showing the **location of the treatment facility and leach field area(s), the nearest waterbody with distance and flood plain.** All features (such as building, ponds, etc.) in existence but not shown on the map(s) must be noted. A legal description by quarter section, Section, Township, and Range must be provided for the waste-generating facility. Location by latitude and longitude (deg, min, sec) of the waste-generating facility must also be provided. Any other information deemed relevant by the applicant or Department must be provided.
- 3.2.2.1.** Engineering drawings showing location, dimensions and sizes of piping, grease traps, grit chamber, distribution boxes, septic tanks, and leach field, as applicable. Also, the drawings should indicate the

number of wash bays and pit locations. The Department recommends that a grit chamber and grease trap be included in the design of the disposal system for a carwash facility;

3.2.2.2. Design calculations and methods used in determining the number and length of the field lines and size of the septic tank and other components (holding tanks must be designed for a minimum of 24 hours of detention time and the length of each field line shall not exceed 100 feet);

3.3. Solid materials, oil, or grease accumulated in the waste storage traps or basins shall be removed as recommended in the Waste Management Plan listed in Part 3.2.1.12 to maintain the trap or basin design volume and to protect the system.

3.4. The system shall be inspected annually by a Qualified Service Technician for the following items:

3.4.1. Check thickness of sludge and scum;

3.4.2. Clean effluent filters;

3.4.3. Make necessary repairs to pumps, tanks, valves, or hydrosplitters;

3.4.4. The septic tank(s) should be pumped if the bottom of the scum mat is fewer than three (3) inches from the bottom of the effluent filter or the sludge layer is fewer than twelve (12) inches from the bottom of the effluent filter; and

3.4.5. If the septic tank(s) 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
RECORD KEEPING REQUIREMENTS**

- 4.1. The permittee shall maintain current and complete records of all activities related to the removal of wastes generated by the carwash operation for a period of three (3) years. Records must be available to ADEQ personnel upon request. The following information shall be recorded:
 - 4.1.1. Dates of the waste removal activities;
 - 4.1.2. Volume of material removed;
 - 4.1.3. Interim or final destination of the material discarded;
 - 4.1.4. Complete identification of the carrier(s) transporting the material;
 - 4.1.5. If the waste is to be recycled, document the name and address of the receiving firm or entity;
 - 4.1.6. Annual inspection results conducted by the Qualified Service Technician; and
 - 4.1.7. Inspection results when the waste is removed from tank.

**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 civil and administrative enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

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 Regulation No. 9 (Permit fees)

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 regulations 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 State Laws

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 established pursuant to any applicable State law or regulation.

5.7 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 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 or regulations.

5.8 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.

5.9 Permit Fees

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

5.10 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 regulation.

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 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 affecting 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.

**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 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

The permit is nontransferable to any person except after written notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Act.

8.4. Reporting of Violations and Unauthorized Discharges

8.4.1. Any violations to this permit must be reported to the Enforcement Branch of the Office of Water Quality immediately. Any leaks or seeps shall be reported to the Department and appropriately corrected. Any discharge from the waste storage system such as an overflow, a broken pipe, etc., shall be immediately reported to the Department.

8.4.2. The operator shall visually monitor and report immediately (within 24 hours) to the Enforcement Branch any unauthorized discharge from any facility caused by dike or 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:

Arkansas Department of Environmental Quality
Office of Water Quality, Enforcement Branch
5301 Northshore Dr.
North Little Rock, Arkansas 72118-5317
Fax (501) 682-0910

Or

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

8.5. Duty to Reapply

Existing carwash 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 this 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 offices of the Department of Environmental Quality. As required by the Regulations, 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 directing other comprehensive measures to assure

long term environmental compliance with environmental laws and regulations; 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 officer 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 Air and Water 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.).

8.9. Applicable Federal, State or Local Requirements

Permittees are responsible for compliance with all applicable terms and conditions of this permit. Coverage 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 regulation.

**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.*)
- 9.2. **APC&EC** - means the Arkansas Pollution Control and Ecology Commission.
- 9.3. **ADEQ or Department** - means the Arkansas Department of Environmental Quality.
- 9.4. **Director** - means the Director of the Arkansas Department of Environmental Quality or his/her designated representative.
- 9.5. **Discharge** - means a discrete point source of waste or wastewater entering into the waters of the State.
- 9.6. **NOI** - means Notice of Intent to be covered by this permit.
- 9.7. **NOT** - means Notice of Termination
- 9.8. **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 regulations and conditions.
- 9.9. **Person** – means natural person, corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, or any other legal entity.
- 9.10. **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.
- 9.11. **Qualified Service Technician** – means an Arkansas Department of Health Licensed Septic Tank Hauler.
- 9.12. **Subsurface distribution systems** - means septic systems that must include a properly

designed oil and grease separators, septic tanks, distribution boxes, and field lines.

- 9.13. 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.

**FACT SHEET
FOR 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:

- 1. Background**
 - 1.1. *General Permit Coverage*
 - 1.2. *Permit History*
- 2. Permit Conditions and Basis**
- 3. Changes from Previous Permit**
- 4. Sources**

- 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, ADEQ satisfied the permit requirements by issuing 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 issued on June 21, 2002 with an effective date of July 1, 2002 and an expiration date of June 30, 2007. The carwash general permit has been renewed twice. The first renewal was on October 31, 2007 with an effective date of November 1, 2007 and an expiration date of October 31, 2012. The second renewal was on October 31, 2012 with an effective date of November 1, 2012 and an expiration date of October 31, 2017. 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 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 Recertification Notice of Intent containing the most recent information available to the Department. If the operator wishes to continue coverage under the general permit, the operator should review the information contained the Recertification Notice of Intent to ensure all fields are complete and accurate and make any changes as necessary. Once the Recertification 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 want to terminate coverage under 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. Procedures 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 Licensed 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 and is 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

There are language clarifications in Sections 1.3.3, 1.4.1, 3.2, and 8.5.

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.

**RESPONSE TO COMMENTS
FINAL PERMITTING DECISION**

Permit No.: Carwash General Permit (0000-WG-CW)

Prepared by: Colby Ungerank

The following are responses to comments received regarding the draft permit number above and are developed in accordance with regulations promulgated APC&EC Regulation No. 8, Administrative Procedures and A.C.A. 8-4-203 e(2).

Introduction

The above permit was submitted for public comment on April 14, 2017. The public comment period ended on May 15, 2017. A summary of the changes can be found on the last page of this document.

The following person sent comments to the ADEQ during the public notice and public hearing.

	Commenter	# of comments raised
1.	Katherine Yarberry, P.E.	5

Comment 1 The Fact sheet states that there has been a change in section 1.3.1, but I do not see any changed language.

Response: There was a typo on the Fact Sheet. There was a change to Section 1.3.3 of the Draft Permit. The Department added the word “carwash”.

Comment 2 For clarity, I request that Part 1.7 be changed as follows:

Part 1.7 Public Notice Permit Language:

1.7 Requiring an Individual Permit

1.7.1 The Director may require any person authorized to operate under the terms and conditions of this general permit to apply for and obtain and individual permit when:

1.7.1.1 The permittee is determined to be a contributor of pollution.

1.7.1.2 The permittee is not in compliance with the conditions of this general permit.

1.7.1.3 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.

Part 1.7 Suggested Language:

1.7 Requiring an Individual Permit

1.7.1 The Director may require any person authorized to operate under

the terms and conditions of this general permit to apply for and obtain and individual permit when:

1.7.1.1 The permittee is determined to be a contributor of pollution;

1.7.1.2 The permittee is not in compliance with the conditions of this general permit; or

1.7.1.3 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.

Response: The Department agrees and has made the change.

Comment 3 Part 1.8 does not allow for submittal of an application via the Department’s ePortal site.

Response: The Department agrees and has made the change.

Comment 4 Part 3.4 uses the term “Qualified Service Technician,” but this term is not defined. Furthermore, recordkeeping requirements in Part 4 do not include a requirement to keep information pertaining to the annual inspection by a “Qualified Service Technician” required by 3.4. The only inspection recordkeeping required by the proposed permit is if waste is removed from the tank in Part 4.1.6.

Response: The Department agrees and has added a definition for Qualified Service Technician and changed the record keeping requirements in Part 4.

Comment 5 The Fact Sheet states there is a section regarding “Public Notice and Meeting,” but there is no such section in the Fact Sheet.

Response: The Department agrees and has made the change.

Summary of Changes

Part	Draft Permit (strikethrough)	Final Permit (<i>Italic</i>)	Comment #
No. 3 of the Fact Sheet	There are language clarifications in Sections 1.3.4, 1.4.1, 3.2, and 8.5.	There are language clarifications in Sections 1.3.3, 1.4.1, 3.2, and 8.5.	1
Part 1.7	1.7 Requiring an Individual Permit 1.7.1 The Director may require any person authorized to operate under the terms and conditions of this general permit to apply for and obtain and individual permit when: 1.7.1.1 The permittee is	1.7 Requiring an Individual Permit 1.7.1 The Director may require any person authorized to operate under the terms and conditions of this general permit to apply for and obtain and individual permit when: 1.7.1.1 The permittee is	2

Part	Draft Permit (strikethrough)	Final Permit (<i>Italic</i>)	Comment #
	determined to be a contributor of pollution- 1.7.1.2 The permittee is not in compliance with the conditions of this general permit- 1.7.1.3 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.	determined to be a contributor of pollution; 1.7.1.2 The permittee is not in compliance with the conditions of this general permit; <i>or</i> 1.7.1.3 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.	
Part 1.8	N/A	https://Eportal.adeg.state.ar.us	3
Part 9.11	N/A	9.11. Qualified Service Technician – means an Arkansas Department of Health Licensed Septic Tank Hauler.	4
Part 4.1	N/A	4.1.6. Annual inspection results conducted by the <i>Qualified Service Technician</i> ; and	4
Index of the Fact Sheet	1. Background 1.1. <i>General Permit Coverage</i> 1.2. <i>Permit History</i> 2. Permit Conditions and Basis 3. Changes from Previous Permit 4. Sources 5. Public Notice and Meeting	1. Background 1.1. <i>General Permit Coverage</i> 1.2. <i>Permit History</i> 2. Permit Conditions and Basis 3. Changes from Previous Permit 4. Sources	5