

PERMIT NO. 0000-WG-SW

AUTHORIZATION TO CONSTRUCT AND OPERATE THE SURFACE FACILITIES ASSOCIATED WITH A DISPOSAL SYSTEM FOR SUBSURFACE INJECTION OF SALT WATER AND OTHER OIL FIELD WASTES UNDER THE PROVISIONS OF THE ARKANSAS WATER AND AIR POLLUTION CONTROL ACT.

In accordance with the provisions of the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. § 8-4-101 *et seq.*),

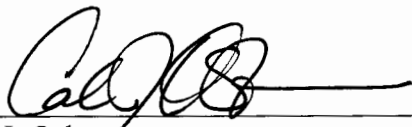
Operators of salt water disposal systems

are authorized to construct and operate the surface facilities located within the State of Arkansas associated with salt water disposal systems utilizing underground injection technology in accordance with production and injection well specifications approved and authorized by the AOGC for Class II Underground Injection Control wells, and upon satisfactory review of the construction plans for the surface facilities by ADEQ under the terms and conditions of this general permit. Discharge of any salt water or other oil field wastes, including contaminated precipitation runoff, to the land or waters of the State is prohibited at all times.

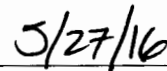
For facilities that are eligible for coverage under this general permit, the Arkansas Department of Environmental Quality (ADEQ) sends a cover letter (Notice of Coverage with the permit tracking number) and a copy of the permit to the operator. The Authorization for Coverage includes ADEQ's determination that a facility is covered under this general permit and may specify alternate requirements outlined in the permit.

Effective Date: December 1, 2016

Expiration Date: November 30, 2021



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



Issue Date

Information in **Part I** is organized as follows:

- Section A:**.....2
- 1. Definitions 2
- 2. Acronyms.....5

- Section B: COVERAGE UNDER THIS PERMIT** 6
- 1. Permitted Area 6
- 2. Eligibility 6
- 3. Authorization 6
- 4. Individual Permits 7
- 5. Activities Prohibited Under the Terms of this General Permit 7
- 6. Transfer of Ownership8

- Section C: SUBMISSION OF THE NOTICE OF INTENT (NOI) FOR COVERAGE** 9
- 1. Notification Requirements 9
- 2. Signature Requirements 11
- 3. Where to Submit 11

SECTION A

SECTION A-1

DEFINITIONS

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

“Act”: The Arkansas Water and Air Pollution Control Act (Ark. Code Ann. § 8-4-101, *et seq.*)

“Bypass”: The intentional diversion of waste streams from any portion of the facility.

“Class II Fluids (Salt Water)”:

- A) Produced water and/or other fluids brought to the surface in connection with drilling, completion, or fracture treatments, workover or recompletion, and plugging of oil and natural gas wells; Class II or wells that are required to be permitted as water supply wells by the AOGC; enhanced recovery operations; or natural gas storage operations; or
- B) Produced water and/or other fluids from (A) above, which prior to re-injection have been used on site for purposes integrally associated to oil and natural gas well drilling, completion, or fracture treatments, workover or recompletion and plugging of oil and natural gas wells; Class II or wells that are required to be permitted as water supply wells by the AOGC; enhanced recovery operations; or natural gas storage operations, or chemically treated or altered to the extent necessary to make them usable for purposes integrally related to oil and natural gas well drilling, completion, workover and plugging, oil and gas production, enhanced recovery operations, or natural gas storage operations, or commingled with fluid wastes resulting from fluid treatments outlined above, and including any other exempted oil and gas related fluids under the Resource Conservation and Recovery Act, provided the commingled fluid wastes do not constitute a hazardous waste under the Resource Conservation and Recovery Act; or
- C) Waste fluids from gas plants (including filter backwash, precipitated sludge, iron sponge, hydrogen sulfide and scrubber liquid) which are an integral part of oil and gas production operations; and waste fluids from gas dehydration plants (including glycol-based compounds and filter backwash), unless the gas plant or gas dehydration plant wastes are classified as hazardous under the federal Resource Conservation and Recovery Act.

“Class II UIC well”:

- A) A permitted Class II UIC well in which Class II fluids are injected into zones not productive of oil and gas, and brine used to produce bromine, within the field boundary established by an order of the AOGC for the production of liquid hydrocarbons or brine used to produce bromine, where the well is located or will be located, for the purpose of disposal of those fluids; or

- B) A permitted Class II well in which Class II fluids are injected into a zone or zones which are not commercially productive of dry gas, within the same common source of supply, where the well is located or will be located, for the purpose of disposal of those fluids.

“Class II UIC Commercial Disposal Well”: A permitted Class II UIC well in which Class II fluids are injected, for which the permit holder receives deliveries of Class II fluids by tank truck from multiple oil and gas well operators, and either charges a fee at the disposal well facility or purchases the Class II fluids at the source for subsequent transport to the disposal well facility for the specific purpose of disposal of the delivered Class II fluids.

“Commercial salt water disposal system”: A Class II injection well and surface facility that accepts fluids associated with oil and gas production from sources other than the operator’s production wells.

“Commission”: The Arkansas Pollution Control and Ecology Commission.

“Director”: The Director of the Arkansas Department of Environmental Quality or his/her designee, unless the context indicates otherwise.

“Discharge”: When used without qualification means the “discharge of a pollutant” to the waters of the state.

“Disposal”: The final use of waste, including, but not limited to, surface disposal.

“Firewall”: The secondary containment surrounding the tank battery and other components of the salt water disposal system.

“Formation water”: Water encountered in geological formations during drilling procedures.

“Frac water”: Water mixed with various chemical additives and/or proppants injected under pressure into oil and/or gas-bearing formations in order to hydraulically fracture the rock and increase production of oil and/or gas. This also applies to water that is flushed from the well after the oil/gas-bearing formation has been fractured.

“Non-commercial salt water disposal system”: A Class II injection well and surface facility that accepts fluids associated with oil and gas production from only the operator’s production wells and/or production wells connected to the injection well surface facility/facilities.

“Operator”: 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.

“Person”: Natural person, corporation, organization, municipality, government or governmental subdivision or agency, public or private corporation, business trust, estate, trust, individual, partnership, association, or any other legal entity.

“Pollution”: 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.

“Potable Water”: Water meeting national drinking water standards, making it safe for consumption.

“Produced Water”: Water produced along with oil and gas during the production phase, trapped in permeable sedimentary rocks within the wellbore.

“Salt Water”: Saline water that is produced along with oil and gas during the production phase.

“Severe property damage”: Substantial physical damage to property, damage to the disposal facilities that causes them to be inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of bypass. Severe property damage does not mean economic loss caused by delays in production.

“Sheen”: Oil, grease or petrochemical substances present in waters to the extent that they produce globules or other residue or any visible, colored film on the surface or coat the banks and/or bottoms of the secondary containment

“Stormwater”: Rainwater runoff, snow melt runoff, and surface runoff and drainage.

“Surface facilities”: The facilities utilized in the transfer and storage of produced salt water from the water leg of the separating vessel through all pumping, piping, and storage tank(s) and containment system to the inlet of a Class II salt water disposal well.

“Transmission pipeline”: The structure that forms all or part of a path from one place to another for directing the transmission of salt water.

“Waters of the State”: 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 the state.

“Water Table”: The surface between the zone of saturation and the zone of aeration and the surface of a body of unconfined ground water at which the pressure is equal to that of the atmosphere.

SECTION A-2

ACRONYMS

ADEQ or **Department**: The Arkansas Department of Environmental Quality, or its successor.

AOGC: The Arkansas Oil and Gas Commission.

APC&EC: The Arkansas Pollution Control and Ecology Commission.

BMP: Best Management Practice(s)

EPA: The Environmental Protection Agency.

NOC: Notice of Coverage.

NOI: Notice of Intent.

RCRA: Resource Conservation and Recovery Act.

SWD: Salt Water Disposal

SWDS: Salt Water Disposal System

UIC: Underground Injection Control

SECTION B

COVERAGE UNDER THIS PERMIT

1. **Permit Area**

This permit includes all areas within the State of Arkansas.

2. **Eligibility**

This permit is applicable to the **surface facilities** of all salt water disposal systems, new or existing, intended for, or currently disposing of produced salt water and other produced fluids. These surface facilities include any storage tanks, gun-barrels, separators, heater treaters, pumps, piping and/or any other equipment within the secondary containment resulting from the production of oil and gas from the water leg of the separating vessel through all pumping, piping, and storage tank(s) and containment system to the inlet of a Class II Underground Injection Control salt water disposal well. **This permit does not authorize the operator to inject.**

3. **Authorization**

A) This general permit authorizes the construction and operation of the surface facilities associated with a salt water disposal system utilizing underground injection technology in accordance with production and injection well specifications approved and authorized by the AOGC for Class II Underground Injection Control wells, and upon satisfactory review of the construction plans for the surface facilities by ADEQ.

- 1) An operator of a **new** facility eligible for coverage under this general permit must submit all items listed in the notification requirements in accordance with Part I. C. 1. A) of the permit in order to be covered by the terms and conditions of this general permit. The NOI must be submitted on forms developed and approved by ADEQ. A copy of the NOI form is available from the Department's website at the following address:

http://www2.adeg.state.ar.us/water/branch_permits/nodischarge_permits/general_permits.htm

- 2) Only items listed in Part II. A. 3. require a permit fee to accompany a Notice of Intent in accordance with ADP&EC Regulation No. 9, as amended. An annual fee will apply to all facilities covered under the general permit in accordance with Regulation 9, as amended.
- 3) If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with Arkansas Act 731 of 2011 and remain in force and effect. If the permittee(s) were granted permit coverage prior to the expiration date, they will automatically remain covered by the continued permit until the earliest of the following:

- a. Reissuance or replacement of this permit, at which time the permittee must comply with the conditions of the new permit to maintain authorization to operate, or
- b. The processing and posting of a permit coverage termination request; or
- c. The issuance of an individual permit for a no-discharge salt water disposal facility; or
- d. A formal permit decision by the Department not to reissue this general permit, at which time the Department will identify a reasonable time period for permittees to seek coverage under an alternative general permit or an individual permit. Coverage under this permit will cease when coverage under another permit is granted/authorized; or
- e. The Department has informed the permittee(s) that they are no longer covered under this permit.

4. **Individual Permits**

- A) Upon review of any NOI submitted to the Department, the Director may deny coverage under this general permit, and require the submittal of an application for an individual salt water disposal system surface facility when:
- 1) The permittee is determined to be a significant contributor of pollution;
 - 2) The permittee is not in compliance with the conditions of the general permit;
 - 3) A change has occurred in the availability of the demonstrated technology or practices for the control or abatement of pollutants applicable to salt water disposal (SWD) facilities; or,
 - 4) In the opinion of the Director, the facility covered by this permit is more appropriately controlled under an individual SWD permit.

5. **Activities Prohibited under the Terms of this General Permit:**

The operation of any of the following facilities or the engagement in any of the following activities is prohibited:

- A) Under the provisions of the Arkansas Water and Air Pollution Control Act and APC&EC Regulation No. 1, as amended, the discharge of pollutants to the waters of the State from all oil and gas facilities is strictly prohibited.

B) The disposal of other types of wastes resulting from the salt water disposal activities in manners other than those specified in this permit are strictly prohibited unless they are disposed by methods previously approved by the Department.

6. Transfer of Ownership

Facilities that are authorized under this permit, which undergo a change in ownership, facility name, or signatory authorization (i.e., a new cognizant official, responsible person, etc.), must submit a Permit Transfer form and a disclosure statement to the Director. A Permit Transfer form can be obtained from the General Permits Section of the Office of Water Quality of the ADEQ website at:

<https://www.adeg.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 30 days prior to the date the transfer to the new operator will take place. The new owner must comply with the existing permit for the facility during the interim period.

A copy of the disclosure statement is available from the Department's website at the following address:

http://www.adeg.state.ar.us/disclosure_stmt.pdf

SECTION C

SUBMISSION OF THE NOTICE OF INTENT (NOI) FOR COVERAGE

1. Notification Requirements

A) In order to obtain coverage under this permit, the operator of a salt water disposal surface facility must submit the following, according to status of the permit:

Permit Status	Required Submittals	Timeframe
New	<ul style="list-style-type: none"> a. A complete and accurate NOI (including supporting documents). b. A permit fee. c. A completed disclosure statement. 	Thirty (30) working days prior to the initiation of the salt water disposal operations.
Renewal	<ul style="list-style-type: none"> a. Review the completed Recertification NOI (mailed to permittee by the Department), make any necessary changes, sign, and return to the Department. d. A completed, updated disclosure statement. 	Within one hundred and eighty (180) days from the effective date of this permit.
Modification	<ul style="list-style-type: none"> a. A complete and accurate NOI (including supporting documents, if necessary). b. A permit fee, if required. c. A completed, updated disclosure statement. 	Thirty (30) working days prior to the initiation of the modified salt water disposal operations.

B) Facilities covered under paragraph A. above shall retain a copy of this general permit at the facility's location or at the permittee's office.

C) The Notice of Intent may be obtained at the following address:

https://www.adeq.state.ar.us/water/permits/nodischarge/pdfs/sw/0000-wg-sw_noi.pdf

and shall be submitted to the Department for a new or modified salt water disposal system containing, at a minimum, the following information:

- 1) The permittee name, street address, telephone number, and email address;
- 2) The consultant's name, street address, telephone number, and email address (if applicable);
- 3) The location and identification of the salt water disposal system: latitude and longitude (in decimal degrees), the County, and the Section, Range, and Township (including the 1/4 of the 1/4 position within the Section),
- 4) The driving directions to the site;

- 5) The nearest city, town or community;
- 6) A list of all wells from which salt water is received for disposal, including the volumes from each well (for non-commercial salt water disposal systems only);
- 7) The method of receipt of salt water (i.e. transmission pipeline, truck, rail, etc.);
- 8) The salt water storage tank capacity (in barrels) in the surface storage facility/facilities; and
- 9) If a corporation, a statement that the corporation is registered with the Office of the Secretary of State of Arkansas and a copy of the Listing of Good Standing as registered with the Arkansas Secretary of State. This may be obtained at the following address:

http://www.sos.arkansas.gov/corps/search_corps.php

D) The NOI for any new system must also have the following information submitted with the NOI:

- 1) The name of and distance to the nearest waterbody;
- 2) A copy (8 ½" X 11") of a topographic map showing the location of the facility and the connected producing wells, the nearest waterbody, water supplies, dwellings, and property lines, and including transmission lines (above and below ground surface);
- 3) A copy of a county road map or a Google Earth map showing roadways in the vicinity of the site;
- 4) A diagram of the secondary containment showing:
 - a. The composition and the areal dimensions (including firewall height);
 - b. The materials, sizes, and locations of any storage tanks, gunbarrels, separators, heater treaters, pumps, piping, and/or any other equipment within the secondary containment; and
 - c. The location of the stormwater release valve.
- 5) Calculations demonstrating adequate secondary containment capacity of at least 1.5 times the size of the largest tank within the secondary containment area; and
- 6) A statement indicating whether or not the system has an automatic cut-off switch (Murphy switch).

- 7) An AOGC-approved form to construct and/or operate the injection facility(s) for the injection, an approved AOGC Form 23 (for a change of operator only), or any other AOGC-approved form to construct and/or operate the injection facility(s) for the injection and production wells; and
- 8) A completed ADEQ disclosure statement. A copy of the disclosure statement form is available from the Department's website at the following address:

https://www.adeg.state.ar.us/ADEQ_Disclosure_Statement.pdf

2. Signature Requirements

All documents shall be signed in accordance with the signatory provisions listed in Part II. B. 20. of this permit.

3. Where to Submit

The operator shall submit a complete signed NOI with additional required documents to the Department at one of the following addresses:

<https://eportal.adeg.state.ar.us/>

Or

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

Or

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

Or

Office of Water Quality
Arkansas Department of Environmental Quality Field Office
3400 West Hillsboro
P. O. Box 10340
El Dorado, AR 71730-0024

The permittee shall also maintain copies of the above permit records for Department personnel review at the SWDS facility or at the permittee's office for the duration of the permit coverage.

PART II

OTHER CONDITIONS

Information in **Part II** is organized as follows:

Section A: OPERATING REQUIREMENTS.....2

Section B: STANDARD PERMIT CONDITIONS.....5

- 1. Duty to Comply5
- 2. Penalties for Violations of Permit Conditions5
- 3. Permit Actions.....5
- 4. Civil and Criminal Liability6
- 5. Oil and Hazardous Substance Liability.....6
- 6. State Laws6
- 7. Property Rights.....6
- 8. Permit Fees6
- 9. Penalties for Violations of Permit Conditions6
- 10. Proper Operation and Maintenance7
- 11. Duty to Mitigate7
- 12. Removed Substances7
- 13. Reporting of Violations and Unauthorized Discharges7
- 14. Penalties for Tampering..... 8
- 15. Retention of Records8
- 16. Inspection and Entry..... 8
- 17. Planned Changes.....9
- 18. Anticipated Noncompliance9
- 19. Duty to Provide Information.....9
- 20. Signatory Requirements.....9
- 21. Availability of Reports10
- 22. Penalties for Falsification of Reports10
- 23. Applicable Federal, State, or Local Requirements11

SECTION A

OPERATING REQUIREMENTS

1. The construction and operation of all surface facilities associated with salt water disposal systems covered by this permit applies to all areas of the state of Arkansas, and includes all facilities defined in Part I of this permit.

All information submitted in the NOI for a specific facility is hereby incorporated into this general permit by reference. Any changes to the information previously submitted in an NOI will require submittal of a new NOI prior to the changes taking effect, including the following:

- A) Increase in the above-ground storage capacity; or
 - B) Any construction and/or operational modifications required by the AOGC.
2. Operators of salt water disposal (SWD) facilities covered by this general permit who modify permitted facilities as described in paragraphs A and B above without first submitting a new NOI, or receiving prior approval from the Department, shall be in violation of this general permit and subject to appropriate enforcement action by the Director.
 3. Each NOI submitted to ADEQ must be accompanied by a fee where required. NOI's are required for:
 - A) The initial permit for a new system; or
 - B) Modifications to an established system such as: an increase in above-ground salt water storage.
 4. At the well or tank battery, the permittee shall post a permanent sign bearing the following information:
 - A) The name of the operator;
 - B) The permit tracking number issued to the SWD facility by ADEQ; and
 - C) And the name of the facility or system including the injection well(s) name(s).
 5. Around all above ground storage tanks there shall be constructed an impermeable containment berm (firewall) capable of holding 1.5 times the capacity of the largest tank. No drains, valves, siphon hoses, or gates should be installed that would allow the uncontrolled discharge of fluids, including collected storm water, contained within the firewall. Draining of uncontaminated collected storm water from within the firewall (not mixed with EPA-defined non-exempt Resource Conservation and Recovery Act (RCRA)

waste) is authorized only by methods employing positive control of the discharge, such as valves which shall remain closed or capped when not in use. Prior to discharging uncontaminated storm water from the system, the operator must:

- A) verify that no hydrocarbons or hydrocarbon sheen are visible;
 - B) verify that the chloride content does not exceed applicable state water quality standards;
 - C) ensure that a representative of the permittee is present at the time of the discharge; and
 - D) keep records of each stormwater discharge for the previous six (6) month period.
6. The containment berm (firewall) should be kept free of excess vegetation that might compromise containment capabilities or have the potential to cause leakage from the containment berm.
7. The permittee is responsible for inspecting all salt water transmission pipelines to ensure they are in good condition and free from leaks or seeps that may discharge pollutants. All inspections should be recorded and include the following information:
- A) The inspector's name and title;
 - B) The date of inspection; and
 - C) Identify which transmission pipelines were inspected.

The frequency of inspections may be determined by the operator to demonstrate compliance with this condition, unless, the permittee is notified by the director in writing that more frequent monitoring is necessary. Upon approval by the Department, the permittee may, in lieu of visual inspections, provide alternative means to demonstrate compliance with this condition (i.e. monitoring for pressure loss in the transmission pipeline).

Any structural failures, leaks, or seeps that are found during inspection of the transmission pipeline must be corrected as soon as possible, recorded, and/or reported in accordance with Part II. B. 13. of this permit.

8. All above ground transmission pipelines must be kept free from excessive vegetation along their entire length such that it may be visually inspected by the operator and/or ADEQ inspectors.

9. If diversion valves are part of the surface facility piping, **the system must have an automatic cut-off switch** and the diversion valve must be connected via piping to a storage tank in order to preclude the storage of salt water within the emergency containment area (firewall). **Intentional discharge of salt water for storage purposes in the secondary containment area (firewall) is prohibited.**

10. Stormwater runoff discharged from the secondary containment shall be managed in accordance with Best Management Practices (BMPs) to control the quality of stormwater discharges associated with salt water storage authorized by this permit. Use of BMPs is authorized under 40 CFR 112.1(b) and 112.8(b)(1) when the Permitting Authority finds numeric effluent limitations to be infeasible to carry out the purposes of the Clean Water Act. All spilled products and other spilled wastes must be immediately cleaned up and properly disposed as stated in the ADEQ Guidelines for Reporting, Responding To, and Remediating Crude Oil, Salt Water, and Brine Spills (Revised January 26, 2000).

<http://www.adeg.state.ar.us/downloads/webdatabases/solidwaste/permittedfacilities/gendocs/55713.pdf>

The permittee must amend the BMPs whenever there is a change in the facility or a change in the operation of the facility. The permittee must inspect the retained rainwater to ensure that its presence will not cause a discharge.

SECTION B

STANDARD PERMIT CONDITIONS

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 (Ark. Code Ann. § 8-4-101 *et seq.*) 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.

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.

3. Permit Actions

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

- 1) Violation of any terms or conditions of this permit;
- 2) Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;
- 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;
- 4) Failure of the permittee to comply with the provisions of APC&EC Regulation No. 9 (Fee Regulation).

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.

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. 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).

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.

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.

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.

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 (Fee Regulation). Failure to promptly remit all required fees shall be grounds for the Director to initiate action to revoke coverage under this permit.

10. **Proper Operation and Maintenance**

- A) 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 necessary to achieve compliance with the conditions of the permit.
- B) 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.

11. **Duty to Mitigate**

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

12. **Removed Substances**

Any solids, sludges, or other pollutants removed from the system shall be disposed of in a manner such as to prevent any pollutant from such materials from entering the waters of the State.

13. **Reporting of Violations and Unauthorized Discharges**

- A) Any leaks or seeps found in the transmission pipelines or at the injection wells must be documented in an inspection report. The inspection report should include the day the inspection took place, where the leak or seep was found, when it was corrected and what repairs were performed to stop the leak or seep. All inspection reports must be kept on site with the operator and made available to Department personnel upon request.
- B) The operator shall visually monitor and report any violations of this permit immediately (within 24 hours) to the Enforcement Branch. Violations of the permit may include any unauthorized discharge from any facility caused by dike (firewall) or structural failure, equipment breakdown, human error, etc. In addition, the operator shall follow up with a written report within five (5) days of such occurrence. The written report shall contain the following:
 - 1) A description of the permit violation and its cause;
 - 2) The period of the violation, including exact times and dates;

- 3) If the violation has not been corrected, the anticipated time it is expected to correct the violation; and
- 4) Steps taken or planned to reduce, eliminate, and prevent the recurrence of the violation.

C) 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
Fax (501) 682-0880

Or

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

14. Penalties for Tampering

Ark. Code Ann. § 8-4-103, (a) Criminal Penalties states that any person that violates any provision of this chapter, that commits any unlawful act under it, or that violates any rule, regulation, or order of the Arkansas Pollution Control and Ecology Commission or the Arkansas Department of Environmental Quality shall be guilty of a misdemeanor. (B)(i) Notwithstanding any other provisions of Arkansas law, upon conviction that person shall be subject to:(a) Imprisonment for not more than one (1) year;(b) A fine of not more than twenty-five thousand dollars (\$25,000); or(c) Both such fine and imprisonment. (ii) For the purpose of fines only, each day or part of a day during which the violation is continued or repeated shall constitute a separate offense.

15. Retention of Records

The permittee shall retain records of all monitoring information, copies of all reports required by this permit, and records of all data used to complete the application for this permit for a period of at least three (3) years from the date of the sample, measurement, report, or application. This period may be extended by request of the Director at any time.

16. 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:

- A) 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;

- B) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- C) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit,
- D) Sample, inspect or monitor at reasonable times, for the purposes of assuring permit compliance for any substances or parameters at any location.

17. 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.

18. 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.

19. 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 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.

20. Signatory Requirements

- A) All applications, reports or information submitted to the Director shall be signed and certified. All permit applications shall be signed as follows:
 - 1) For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: 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
 - 2) For a partnership or sole proprietorship: by a general partner or proprietor, respectively; or
 - 3) 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.

- B) 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:
- 1) The authorization is made in writing by a person described above;
 - 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
 - 3) The written authorization is submitted to the Director.
- C) 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.”*

21. Availability of Reports

Except for data determined to be confidential under Ark. Code Ann. § 8-4-101, *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 system data shall not be considered confidential.

22. 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.*).

23. 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.