

**AUTHORIZATION TO OPERATE A SYSTEM ASSOCIATED WITH THE LAND
APPLICATION OF WATER TREATMENT RESIDUALS**

In accordance with the provisions of the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. § 8-4-101, *et seq.*) and Ark. Code Ann. § 8-1-201, *et seq.*,

Operators that dispose of Water Treatment Residuals (WTR) from Potable Water Treatment Plants
Located within the State of Arkansas

are authorized to implement and operate waste disposal systems through land application of the plant's residuals under the terms and conditions of this general permit.

An operator of a facility eligible for coverage under this general permit, or an entity working on behalf of such a facility, must submit a Notice of Intent (NOI) and other required documentation under Part I.B in order to operate under this general permit. Upon approval of the NOI, the Arkansas Department of Energy and Environment - Division of Environmental Quality (DEQ) will send a Notice of Coverage (NOC). The NOC may include DEQ's determination that a facility is covered under this general permit and may specify alternative requirements other than those outlined in the permit, such as the inclusion of additional parameters monitored or alternative sampling frequencies.

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

Effective: April 1, 2022

Expiration Date: March 31, 2027

09/21/2021

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

Issue Date

PART I: PERMIT REQUIREMENTS

SECTION A: COVERAGE UNDER THIS PERMIT

1. Permit Area

This permit includes all areas within the State of Arkansas.

2. 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.*)

APC&EC: Arkansas Pollution Control and Ecology Commission

Department: Arkansas Department of Energy and Environment.

Director: The Director of the Division of Environmental Quality or his/her designated representative.

Division or DEQ: Division of Environmental Quality.

Discharge: When used with qualification means the “discharge of a pollutant.”

Extraordinary Resource Waters (ERW): Waters that have been given the designated use of Extraordinary Resource Waters by the Arkansas Pollution Control and Ecology Commission. This beneficial use is a combination of the chemical, physical, and biological characteristics of a waterbody and its watershed which is characterized by scenic beauty, aesthetics, scientific values, broad scope recreation potential, and intangible social values.

Ecologically Sensitive Waterbody (ESW): Waters that have been given the designated use of Ecologically Sensitive Waterbody by the Arkansas Pollution Control and Ecology Commission. This beneficial use identifies segments known to provide habitat within the existing range of threatened, endangered, or endemic species of aquatic or semi-aquatic life forms.

List of Impaired Waterbodies: Clean Water Act 303(d): a list of waterbodies with the state of Arkansas that are not current attaining all designated uses or are not meeting water quality standards.

NOC: Notice of Coverage.

NOI: Notice of Intent.

NOT: Notice of Termination.

Natural and Scenic Waterways (NSW): Waters that have been given the designated use of Natural and Scenic Waterways by the Arkansas Pollution Control and Ecology Commission. This beneficial use identifies segments which have been legislatively adopted into a state or federal system.

NMP: Nutrient Management Plan.

Nutrient Surplus Area: A geographic area, declared by Ark. Code Ann. § 15-20-1104 and described more specifically in Subtitle II of Arkansas Natural Resources Commission Title 22, which has been determined to be an area in which the soil concentration of one or more nutrient is so high or the physical characteristics of the soil or area is such that continued application of the nutrient to the soil could negatively impact soil fertility and the waters within the state.

Operator: Any person 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.

OWQ: Division of Environmental Quality - Office of Water Quality.

Person: Natural person, corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, 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 that meets national drinking water standards making it safe for consumption.

Reasonably anticipated: Greater than a 50% chance of precipitation of 0.25 inches or more on the zone area forecast for the county that represents the land application site using the National Weather Service station website: www.weather.gov.

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

USGS: United States Geological Survey.

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 groundwater at which the pressure is equal to that of the atmosphere.

WMP: Waste Management Plan.

Water Treatment Residuals (WTR): Solid waste products derived from the process of treating raw water sources into potable water.

3. Eligibility

This permit is applicable to all operators, new or existing, that intend to, or currently do, dispose of WTR from potable water treatment plants through land application methods. The WTR may be produced during the back flushing of filters or other treatments and processing of the raw water.

4. Authorization

- A. An operator of a facility eligible for coverage under this general permit, or an entity working on behalf of such a facility, must submit a NOI in accordance with Part I.B 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 DEQ.
- B. In accordance with Ark. Code Ann. § 8-1-106, *et seq*, a change in ownership or control of a land-application site requires the submission of an updated land application site list and a complete land use contract.
- C. Upon review of any NOI submitted to DEQ, the Director may deny coverage under this general permit, and require the submittal for an individual land application permit.
- D. Except as provided in Part I.A.4.E, a permit fee must accompany a NOI in accordance with APC&EC Rule 9, as amended. An annual fee will apply to all facilities covered under the general permit in accordance with APC&EC Rule 9, as amended. The annual fee is \$500.00.
- E. Fees need not be submitted with a Recertification NOI by the 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 operator has paid the regular annual permit fee.

5. Activities Prohibited Under the Terms of this General Permit

Under the provisions of the Arkansas Water and Air Pollution Control Act, as amended, the discharge of pollutants to the waters of the State from all land application of WTR is strictly prohibited under this permit.

6. Continuation of Coverage

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, operators will automatically remain covered by the continued permit until the earliest of:

- A. 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 to land apply WTR from potable water treatment plants; or
- B. Submittal of a request to terminate permit coverage; or
- C. Issuance of an individual permit for the operator's land application of WTR from potable water treatment plants; or
- D. A formal permit decision by DEQ to not re-issue this general permit, at which time operators must seek coverage under an individual permit or other general permits, if available.

SECTION B: SUBMISSION OF THE NOTICE OF INTENT (NOI) FOR COVERAGE1. Notification Requirements

- A. Operators that currently dispose of WTR from potable water treatment plants through land application methods under the previous general permit and desire to retain coverage under the general permit must submit a completed Recertification NOI and WMP/NMP prior to the effective date of this permit.
- B. Operators that currently dispose of WTR from potable water treatment plants through land application methods under an existing individual land application permit desiring coverage under this general permit must submit a completed NOI and WMP/NMP. The individual permit shall be terminated on issuance of a NOC.
- C. Operators that dispose of WTR from potable water treatment plants desiring coverage under this general permit for the first time shall submit the NOI and completed WMP/NMP at least thirty (30) working days prior to the initiation of the land-application operations.
- D. Facilities covered under this general permit shall retain a copy of this general permit at the facility's location.
- E. The NOI shall be submitted to DEQ containing, at a minimum, the following information:
 - i. Operator name, address, and telephone number;
 - ii. Contractor name, address, and telephone number;
 - iii. Consultant name, address, and telephone number, if applicable;
 - iv. Location and identification of the plant and land application sites: latitude and longitude (in degrees, minutes, seconds), County, Section, Range, and Township (including the 1/4 of the 1/4 position within the Section), and driving directions to the application sites;
 - v. Raw water source or sources such as wells, streams, lakes;
 - vi. Plant design capacity and current or expected average plant production rates expressed in million-gallons per day (MGD);
 - vii. Estimated amounts of dry residuals generated that will be stored or settled in tanks, ponds, etc. This calculation shall include the weight of chemicals added during the processing of the WTR (lime, soda ash, flocculants, filter aids, etc.) that will settle out. It shall also include the suspended solids in the raw water;
 - viii. Description and volume of WTR storage components;
 - ix. Maximum annual loading rate calculated from the 10 dry tons per acre per year limit;
 - x. Method for loading, transporting, and applying the WTR;
 - xi. Name and distance to the nearest impacted waterbodies;

- xii. Nearest city, town, or community; and
- xiii. Signature requirements

F. The WMP/NMP shall be submitted to DEQ containing at a minimum the following information:

- i. Description of the WTR generating process, including estimates of the daily and yearly volumes of WTR production.
- ii. Description of WTR storage facilities, including location, volume, and construction drawings showing design details.
- iii. Description of the land application sites and available acreage. The available acreage must account for all applicable buffer zones and slope limitations.
- iv. Waste transportation and application methods.
- v. Maximum Waste Application Rate Calculations: Application rates must be based on the 10 dry tons per acre limit and soil conditions.
- vi. A copy (8 1/2" X 11") of **both** the USGS topographic quad sheet map and county map showing the location of the facility, and the nearest waterbody, any impaired waterbody with impairments listed, ERW, ESW, NSW, water supplies, dwellings, and property lines. The actual dimensions of the land application area must be delineated on the map. All buffer zones must be shown. Areas with slopes exceeding 15% must be shown on map. Any public water source within a quarter mile of the land application site must be delineated. Any private well within 200 feet of the land application site must also be delineated. In addition, approximate soil series boundaries must be indicated. Any other information deemed relevant by the applicant or DEQ must be provided.
- vii. WTR Analysis: The analysis must contain all parameters listed in Table I of Part II.B of the Permit.
- viii. Soils Analysis: At least one (1) composite soil sample shall be taken for every forty (40) acres of the land application area. Methods of sampling must be in accordance with permit condition Part II.C.13. If more than one sample is taken, values for each sample must be reported. Soil samples must be analyzed for the parameters listed in Table II of Part II.B of the Permit. All results should be reported in mg/kg unless indicated otherwise.
- ix. Executed land use agreements between the operator(s) and land owner(s). Should the land-application sites be owned by the operator, a statement of ownership must be submitted.
- x. If the land application site is located in the Nutrient Surplus Area, a copy of the approved phosphorus index must be submitted.

2. Signature Requirements

The NOI shall be signed in accordance with the provisions of Part II.E.20 of the permit.

3. Where to Submit

The operator shall submit a complete signed NOI and WMP/NMP to DEQ through ePortal, unless the operator receives a waiver from DEQ, which can be found at the following link:

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

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

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

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

- B. Waivers from electronic reporting may be granted based on one of the following conditions:

- i. If the operational headquarters is physically located in a geographic area (i.e. Zip code or census tract) that is identified as under-served for broadcast internet access in the most recent report from the Federal Communications Commission;
- ii. If available computer access or computer capability is limited; or
- iii. If the operator is a religious community that choose not to use certain modern technologies.

- C. In order to apply for a waiver from the electronic reporting, the operator must submit the required information outlined below:

- i. Facility name;
- ii. Permit number, if applicable;
- iii. Facility address;
- iv. Name, address, and contact information for the operator;
- v. Brief written statement regarding the basis for claiming a waiver; and
- vi. Any other information required.

- D. If DEQ grants a waiver approval to use a paper NOI, and the operator elects to use it, the operator must use the approved form developed by DEQ.

PART II: PERMIT CONDITIONS

SECTION A: AUTHORIZED LAND APPLICATION

This general permit authorizes land application of water treatment residuals (WTR) in accordance with the permit conditions, NOI, and WMP/NMP.

SECTION B: LIMITATIONS AND MONITORING REQUIREMENTS

The following tables detail the constituent limits, monitoring frequencies, and the requirements for reporting results to DEQ for each respective parameter listed in the table heading.

Table I			
Water Treatment Residuals Analysis			
Parameter	Ceiling Concentrations (mg/kg)	Cumulative Pollutant Loading Rate (lb/ac)	Monitoring Frequency
Arsenic	75	37	Annually, prior to the first application of the calendar year
Cadmium	85	35	
Copper	4300	1350	
Lead	840	270	
Mercury	57	15	
Molybdenum	75	Report	
Nickel	420	378	
Selenium	100	90	
Zinc	7500	2520	
Aluminum	Report	Report	
Iron	Report	Report	
Parameter	Maximum Limit	Reporting Units	Monitoring Frequency
Total Solids	Report	Percentage (%)	Annually, prior to the first application of the calendar year
Nitrates		mg/kg	
Total Phosphorus			
Total Potassium			
pH			
Total WTR Applied	10	dry tons/acre/year	Each land application event

Table II		
Land Application Soils		
Parameter	Limit (Reporting Units)	Monitoring Frequency
Cation Exchange Capacity	Report (meq/100g)	Annually, prior to the first application of the calendar year
pH ¹	Report (s.u.)	
Nitrate-Nitrogen	Report (mg/kg)	
Phosphorus		
Potassium		
Parameter	Limit (Reporting Units)	Monitoring Frequency
Arsenic	Report (mg/kg)	Once every five (5) years to submit with renewal application ²
Cadmium		
Copper		
Lead		
Mercury		
Molybdenum		
Nickel		
Selenium		
Zinc		
Aluminum		
Iron		

¹If the resulting pH is 5.7 or lower, lime must be applied in accordance with recommendations from the University of Arkansas Cooperative Extension Service.

²This soil analysis is only required if there has been application of WTR following the last soil analysis.

SECTION C: OPERATING REQUIREMENTS

1. The NOI and WMP/NMP that is submitted for the implementation of the waste disposal operation are hereby incorporated into the general permit by reference. As a result, all provisions and information contained in these documents become enforceable conditions of this general permit. If the WMP/NMP is found to be inconsistent with the permit, the WMP/NMP shall be revised to conform to the permit conditions.
2. The operator shall be responsible for ensuring the WTR applicator (if different from the operator) abide by all the permit stipulations.
3. Residuals must be land-applied in an even manner over the sites and only at the rates and on the areas specified in the approved WMP/NMP.
4. Land application of WTR is prohibited on slopes with a gradient greater than 15%.
5. Land application of WTR shall not be undertaken when the soils are:
 - A. saturated;
 - B. frozen;
 - C. covered with ice or snow;
 - D. during precipitation events; or
 - E. when precipitation is reasonably anticipated (as defined in Part 1.A.2) in the 24-hour period following any planned land application activity.

The operator (as defined in Part 1.A.2) shall maintain field logs demonstrating compliance with this condition, including documents demonstrating that precipitation chances were reviewed and precipitation was not reasonably anticipated in the 24-hour period following any planned land application activity. If the land applicator is maintaining the field logs, the operator shall ensure that the operator receives the field logs from the land applicator after the field logs are completed. The field logs shall be recorded on forms provided or approved by DEQ. The completed field logs shall demonstrate when the land application activity commenced or when the land application activity was suspended in compliance with this condition. The records shall be made available to DEQ personnel upon request. The Responsible Official or Cognizant Official shall attest to all field logs in the annual report.

6. Residuals shall not be spread within 50 feet of property lines or rock outcrops; 100 feet of lakes, ponds, springs, streams, sinkholes, and wetlands; 200 feet of drinking water wells; or 300 feet of Extraordinary Resource Waters and Ecologically Sensitive Waters. Residuals shall not be land applied within 300 feet of neighboring occupied buildings for existing land application sites. Residuals shall not be land applied within 500 feet of neighboring occupied buildings for new land applications.
7. WTR can only be stored in accordance with the NOI and WMP/NMP. The utilization of improvised field storage sites or any other site is prohibited.
8. Temporary transfer/storage points are allowed for WTR removed from the Water Treatment Plant's storage facilities provided that:
 - not more than 20 cubic yards are at any time
 - the WTR is adequately contained by a berm or dike
 - no runoff takes place from the storage area
 - WTR storage is limited to thirty (30) calendar daysThe operation must have best management practices in place to contain and to remediate in the event of a leak and/or spill.
9. Storage or surface disposal of residuals in the 100-year flood plain is prohibited unless protected from flooding by berms, dikes, or other structures. The land-application of residuals at the rates established in the waste management plan/nutrient management plan shall not be interpreted or considered as surface disposal.
10. Disposal of the residuals shall not cause detriment to any endangered or threatened species of plant, fish, wildlife, or their critical habitat.
11. DEQ has no responsibility for the adequacy or proper functioning of the waste disposal system.
12. If the analytical results for any parameter required to be sampled exceeds the ceiling concentration or limit specified in Table I of Part II.B, the operator shall cease land application of the WTR until additional analysis shows compliance with Table I of Part II.B.
13. Each land application site shall have the soils tested for the parameters listed in Table II of Part II.B of this permit. Soil samples shall be collected according to the following method:
 - A. Each sample area should represent less than or equal to forty (40) acres. These areas shall be identified on a site map. The areas shall remain the same between each sampling event.
 - B. Mark the locations of the subsamples on the site map and submit the map with the annual report.

- C. Using a clean soil probe, soil auger, or spade, collect a minimum of eighteen (18) individual subsamples to a 4-inch depth per sample area in a random zigzag or grid pattern (see Fig. 1 below) in accordance with the sampling locations on the site map. If using a spade, avoid wedge shaped samples.
- D. Combine individual subsamples in a clean plastic bucket and mix thoroughly. Place a subsample of the mixed composite in a clean soil box and label with the field name, sample area identification and operator information. Subsamples shall be representative of the sampling zone only. Do not mix the samples between different sampling areas.

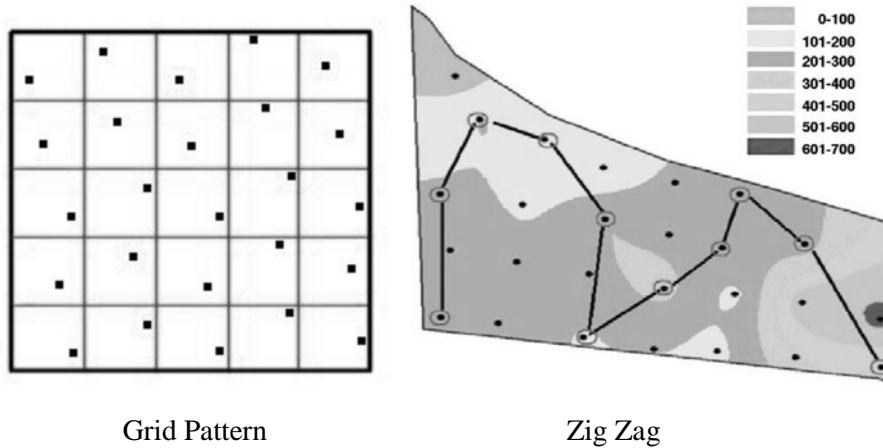


Figure 1. Representative Soil Sampling of Land Application Area Patterns

- 14. The operator (as defined in Part 1.A.2) shall ensure training is provided annually to any person that will be responsible for land applying WTR or any person that will be overseeing the land application of WTR before the operator can land apply WTR under this permit. The annual training shall consist of, at a minimum, training on all permit conditions and WMP/NMP. The operator shall maintain written certification that any person that will be responsible for land applying WTR or any person that will be overseeing the land application of WTR is familiar with the permit and WMP/NMP requirements. The operator shall provide DEQ with records of these annual trainings as part of the operator's annual report. All certifications shall be made available to DEQ personnel on request and maintained for three (3) years.
- 15. Upon request from DEQ personnel, the permittee shall provide DEQ with a schedule of all planned land application events that are expected to occur within the next five (5) calendar days. The schedule shall be provided immediately (within 24 hours) upon the request from DEQ personnel. At the minimum, the schedule shall include:
 - A. Permit Information (Permit No. and AFIN);
 - B. Anticipated dates of application; and
 - C. Anticipated Field IDs.
- 16. For each land application event on any permitted site, the operator (as defined in Part 1.A.2) shall ensure that a contemporaneous record of that land application event is created and maintained for at

least three (3) years. Each land application record shall include, at a minimum, the following information:

- A. Operator Information (Permit No., AFIN, Operator); and
- B. Land Application Event Information (including week of the land application event, Field IDs, amount of WTR applied, identify when land application ceased due to precipitation).

All land application records shall be made available to DEQ personnel on request and maintained for at least three (3) years.

SECTION D: REPORTING REQUIREMENTS

1. The operator will be responsible for the WTR and soil analyses, in accordance with the permit. All laboratory analyses submitted to the OWQ shall be completed by a laboratory accredited by Arkansas Department of Energy and Environment (ADEE) under Ark. Code Ann. § 8-2-201 *et seq.* Analyses for the operator's internal quality control or process control do not need to be performed by an ADEE accredited laboratory.
2. Annual Reports are due by May 1st of each year for the previous permitted months from January to December (i.e. Annual report is due on May 1, 2023 for the 2022 calendar year). They are to include the following:
 - A. Land application dates,
 - B. Land application locations,
 - C. Quantities of WTR applied in dry tons per acre per year or in gallons per acre per year,
 - D. Method(s) of application,
 - E. Amounts of each metal applied in lbs per acre,
 - F. Total amount of each metal applied to date in lbs per acre, and
 - G. Copies of the WTR and soil analyses required in Part II.B above.

The analyses must be performed in accordance with EPA Document SW-846, "Test Methods for Evaluation of Solid Waste" or other procedures approved by the Director and a statement confirming such must be included.

If no land application occurred during the previous calendar year, a letter must be submitted by May 1st of each year notifying DEQ that no land application occurred.

Reports shall be submitted to the Permits Branch at the following address:

Department of Energy and Environment – Division of Environmental Quality
Office of Water Quality
5301 Northshore Drive
North Little Rock, AR 72218-5317

Or

By email at: Water-permit-application@adeq.state.ar.us

3. The operator shall maintain complete copies of all the reports including the WTR and soil analyses listed in Part II.B for DEQ personnel review. In addition, the operator must keep the land application log that includes records of field name or number (locations), application date, amount of WTR applied (in dry tons/acre-year or gallons/acre-year of WTR), methods of disposal, and identity of hauler for DEQ personnel review.
4. The operator shall also maintain copies of the above records for DEQ personnel review at the WTR generating facility for a period of three (3) years.

SECTION E: STANDARD CONDITIONS

1. Duty to Comply

The operator 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.

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:
 - i. Violation of any terms or conditions of this permit;
 - ii. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;
 - iii. 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;
 - iv. Failure of the operator to comply with the provisions of APC&EC Rule 9 (Fee Rule).
- B. The filing of a request by the operator 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 operator 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 operator 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 operator from any responsibilities, liabilities, or penalties to which the operator 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 operator 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 operator shall comply with all applicable permit fee requirements for no discharge permits as described in APC&EC Rule 9 (Fee Rule). Failure to promptly remit all required fees shall be grounds for the Director to initiate action to revoke this permit.

10. **Proper Operation and Maintenance**

A. The operator 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 operator 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 an operator only when the operation is necessary to achieve compliance with the conditions of the permit.

- B. The operator shall provide an adequate operating staff which is duly qualified to carryout operation, maintenance, and testing functions required to insure compliance with the conditions of this permit.

11. **Duty to Mitigate**

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

12. **Removed Substances**

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of waste waters 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 violations, which may endanger health or the environment, to this permit must be reported to the Enforcement Branch of DEQ – Office of Water Quality (OWQ) immediately (within 24-hours). Any leaks or seeps shall be reported to DEQ – OWQ and appropriately corrected. Any discharge from the waste storage system such as an overflow, a broken pipe, etc., shall be immediately (within 24-hours) reported to DEQ – OWQ.
- B. The operator shall visually monitor and report immediately (within 24-hours) to the Enforcement Branch of DEQ – OWQ 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:
- i. A discretion of the permit violations and its causes;
 - ii. The period of the violation, including exact times and dates;
 - iii. If the violation has not been corrected, the anticipated time it is expected to correct the violation; and
 - iv. 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:

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

Or

By email at: Water-enforcement-report@adeq.state.ar.us

14. **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.

15. **Inspection and Entry**

The operator 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 operator'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 any substances or parameters at any location.

16. **Planned Changes**

The operator 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.

17. **Anticipated Noncompliance**

The operator 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.

18. **Transfers**

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

19. **Duty to Provide Information**

The operator 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 operator 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:

- i. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
 - a. 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
 - b. 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.
 - ii. For a partnership or sole proprietorship: by a general partner or proprietor, respectively; or
 - iii. 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 officer of a Federal agency includes:
 - a. The chief executive officer of the agency, or
 - b. A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
- 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:
- i. The authorization is made in writing by a person described above.
 - ii. 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
 - iii. 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 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 office of the Department of Energy and Environment – Division of Environmental Quality. As required by the Rules, the name and address of any permit applicant or operator, permit applications, permits and effluent 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**

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