



APPLICATION PROCEDURES FOR A NO-DISCHARGE INDUSTRIAL PERMIT FOR BRINE MANAGEMENT AND DISPOSAL

PART I **GENERAL INSTRUCTIONS**

Please read the following prior to completing the application:

1. The applicant is advised to review all applicable state and/or federal regulations, including, but not limited to: Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended) and ADP&EC Regulation No. 2 (Regulation Establishing Water Quality Standards for Surface Waters of the State of Arkansas).
2. All construction and operating information contained in the permit application and any change, modification, or alteration of the permit application submitted to the Division of Environmental Quality (Division) in writing and approved by the Division in writing shall become an integral part of the permit. All information supplied to this Division shall be available for public inspection unless the information is of a proprietary nature and clearly marked confidential. Laboratory analysis data cannot be considered confidential.
3. Applications may be submitted by one of the following methods:
 - a. Electronically at: <https://eportal.adeq.state.ar.us/>
 - b. Emailed to: Water-Permit-Application@adeq.state.ar.us
 - c. Mailed to:

Arkansas Division of Environmental Quality
No-Discharge Permits Section, Permits Branch
Office of Water Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317
4. The application must be signed by the individual owner, an authorized corporate officer, a partner, a principal, or someone delegated with signatory authority by any of the above individuals. In all cases, the person signing the application should be authorized to do so by the applicant. For the purposes of this section, an authorized corporate officer is defined as: (1) a president, secretary, treasurer or vice-president of the corporation in charge of principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or (2) the manager of one or more manufacturing, production or operating facilities employing more than 250 persons or

having gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars) provided the manager has been entrusted with authority to sign documents in accordance with the corporation procedures. In the case of a partnership or sole proprietorship, the application must be signed by a general partner or the proprietor, respectively. In the case of municipal, state, federal or other public facility, the application must be signed by either a principal executive officer, ranking elected official or other duly authorized employee. For a corporation, those applications signed by an authorized person other than those described above must also include appropriate documentation delegating such signatory authority.

5. Act 817 of 1983 and ADP&EC Regulation No. 9 (Fee Regulation) promulgated thereto requires that, if applicable, a fee be paid by the applicant prior to the issuance of a permit, a permit modification, or a renewal of a permit. Permit fees are payable by check or money order and must be received before the permit can be issued.
6. Act 165 of the 1993 Arkansas Legislature and ADP&EC Regulation No. 8 (Administrative Procedures) dictate the following **public notice requirements for permit applicants**:
 - A. A public notice must be published for all permit applications (new, renewal or major modifications) submitted to the Division. **Upon receiving a complete application, the Division will prepare a public notice of application and return it to the applicant for publication in a newspaper having general circulation in the county or counties in which the facility is or will be located.** An affidavit and proof of payment for the notice publication must be submitted to the Division.
 - B. A second public notice must be published concerning the Director's tentative decision to approve or deny the proposed permit. The Division will prepare this notice and submit it directly to the publisher.
 - C. **ACT 165 REQUIRES THE APPLICANT TO BEAR THE EXPENSE OF ALL THE PUBLIC NOTICES.** Proof of payment for the public notices must be submitted to the Division with the affidavit of publication.
 - D. The Director may not require public notices under authority of 40 CFR part 124 and ADP&EC Regulation No. 8, provided the permit application meets the definitions of a minor modification.

PART II
PROCEDURAL INFORMATION

1. The staff will review the submitted application materials for administrative completeness. The Division will not process any application until all information required to properly classify the application as complete has been received. During the review, the Division may contact the applicant for clarification or to request additional information. If an application is severely lacking in detail or requested information is not submitted in a timely manner, the application may be returned.
2. After determining that an application is administratively complete, the Division will prepare a public notice of application and submit it to the applicant for publication in a local newspaper (See Application Procedures, Part I.6.A).
3. Upon receiving an affidavit of publication for the public notice of application, the Division will conduct a technical review of the application and the attached documentation. During the review, the Division may contact the applicant to request additional information.
4. Following the technical review, the Director will make a tentative decision to issue or deny a draft permit. A second public notice will be prepared and forwarded directly to a local newspaper for publication by the Division regarding the Director's decision. A 30-day comment period must follow publication of this notice.
5. After the expiration of the 30-day comment period, the Director will make a final decision to issue or deny the permit. In instances where significant public interest has been expressed, the Director or the ADEQ may decide to hold a hearing to obtain public comments.
6. If the Director makes a final decision to issue the permit, the applicant may commence construction once the permit becomes effective. The facility must be constructed, modified, and/or operated in accordance with the final design plans and specifications approved by the Division. The consultant must justify any modifications made to the facility during construction.
7. Prior to implementation of any changes in operational procedures of a permitted facility, the operator must request Division approval, in writing, describing the proposed changes.
8. Permits are issued with a five (5) year expiration date. An application to renew an existing permit must be submitted no less than 180 days prior to the expiration date for continued operation of the permitted facility. Operators applying for a renewal must go through the same process as obtaining a new permit as listed in Items 1-7 above, including fee and public notice requirements. All information listed in Part III is required for submittal for renewal consideration.

9. If a change of ownership or control of a permitted facility occurs, the permit may be transferred to the new owner(s) by submitting a completed “Request for Permit Transfer” form. A permit may be automatically transferred if the applicant for transfer notifies the Division thirty (30) days in advance of the proposed transfer date and submits a completed “Disclosure Statement” form (if applicable). The required forms are available from the Division upon request or at the following links:

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

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

PART III
TECHNICAL REQUIREMENTS

1. Description of the waste-generating process, including the average daily and proposed annual volumes.
2. Description of all storage facilities, production areas, pipelines, disposal wells, and other storage or transmission lines, and including location, volumes, and construction drawings showing design details.
3. Copies (8 ½" X 11") of **both** US Geological Survey (USGS) topographic map(s) (quad sheet) and county map(s) showing the location of the facility, the nearest potentially affected streams, the land use designations for adjacent properties and nearby lands, and the distance and directions from the nearest State Highway intersection or community. All features (such as buildings, ponds, etc.) in existence but not shown on the map(s) must be noted. A legal description by Quarter Section, Section, Township, and Range and location by latitude and longitude (degrees, minutes, seconds) must also be provided. The name of the USGS topographic map(s) used for each map must be indicated.
4. An emergency containment structure is required for all facilities utilizing above ground waste storage tanks. The emergency containment structure must be able to contain 1.5 times (150 %) of the capacity of the largest above ground waste storage tank to be used. The emergency containment area must be lined in accordance with the requirements of the most recent Ten States Standards documents to prevent seepage of spilled waste into the groundwater. Disposal of accumulated rainfall and erosion control must also be addressed.
5. Top elevations of waste storage structures and emergency containment structures shall be twelve (12) inches above the Federal Emergency Management Agency (FEMA) designated 100-year flood elevation. If the proposed site for waste storage is in or near the designated 100-year flood plain, the design must indicate the 100-year flood elevation and the top elevation of the berms, both with respect to mean sea level.