ARKANSAS
ENERGY & ENVIRONMENT

October 11, 2022

Mr. Cedric Williams
P.O. Box 1074
Forrest City, AR 72336

RE: General Permit for Construction and Operation of a Yard Waste Compost Facility
Permit Number: 0051-SCYW
Document ID: 82823

Dear Mr. Cedric Williams:

The Chief Administrator of the Division of Environmental Quality has approved a minor modification, effective October 2, 2022, to the General Permit for Construction and Operation of a Yard Waste Compost Facility pursuant to Ark. Code Ann. § 8-6-207 and Arkansas Pollution Control and Ecology Commission's Rule No. 22.308. This permit modification changes the expiration date for the General Permit without a need for you to submit a Renewal Notice of Intent at this time. Please place the attached cover sheet on your copy of the General Permit.

Please contact Annette Cusher at 501-682-0841 or Annette.Cusher@adeq.state.ar.us if there are any questions or if she can be of assistance in any way.

Sincerely,

Jarrod Zweifel, P.G.
Associate Director
Division of Environmental Quality
5301 Northshore Drive, North Little Rock, Arkansas, 72118-5317

cc: Jones, Cusher, Krou, Hayden, McWilliams, Goheen

GENERAL PERMIT
FOR CONSTRUCTION AND OPERATION OF
A YARD WASTE COMPOSTING FACILITY
(TYPE Y COMPOSTING FACILITY)
ISSUED BY STATE OF ARKANSAS
DIVISION OF ENVIRONMENTAL QUALITY

PERMIT NUMBER: **0000-SCYW**

AUTHORITY: In accordance with the provisions of the Arkansas Solid Waste Management Act (Act 237 of 1971 as amended; Arkansas Code of 1987 Annotated §8-6-201 *et seq.*), and the Arkansas Pollution Control and Ecology Commission (APC&EC) Rule No. 22, the Division has the authority to issue general permits for certain categories of solid waste processing facilities. Pursuant to that authority, the Division has chosen to permit Type Y composting facilities through a general permit program.

EFFECTIVE DATE: October 2, 2017

MODIFICATION DATE: October 11, 2022 – Effective as of October 2, 2022

EXPIRATION DATE: May 31, 2023

LIMITATIONS: Owners or operators of Type Y composting facilities within the State of Arkansas who fail to make a written request to the Administrator to be covered by this general permit or those who fail to submit all required documentation are not authorized to operate under the permit.

Signed this 11th day of October, 2022



Jarrod Zweifel, P.G.
Associate Director
Office of Land Resources
Division of Environmental Quality

ADEQ
ARKANSAS
Department of Environmental Quality

February 27, 2018

City of Forrest City
Attn: Mr. George Rooks
Director of Public Works
P.O. Box 1074
Forrest City, AR 72336-1074

RE: General Permit Coverage – City of Forrest City Composting Facility
Permit Tracking Number: 0051-SCYW; AFIN: 62-00070
Document ID: 72418; Reference ID(s): 72401 and 71801

Dear Mr. Rooks:

The Arkansas Department of Environmental Quality Office of Land Resources (ADEQ) Regulated Waste Operations has completed review of the Notice of Intent (NOI) and supporting documents required to obtain coverage under the General Permit for Construction and Operation of a Yard Waste Composting Facility submitted by the City of Forrest City. Based on this information, City of Forrest City Composting Facility is hereby granted coverage under the general permit.

Coverage granted to your facility is based on the information supplied in the documents referenced above. Operational plans, narratives, and drawings must be followed in order to maintain compliance with the terms of the permit. The facility is required to maintain a minimum of $25,000.00 in financial assurance by using a mechanism allowed by Arkansas Pollution Control and Ecology Commission (APC&EC) Regulation 22.1405. Please review the terms and conditions of the enclosed general permit closely.

Finally, please take note of the permit tracking number provided above. Use these numbers on all correspondence and reports related to your facility to ensure proper filing of submittals.

If you have any questions, please contact Maria Matoska at (501) 682-0608 or matoska@adeq.state.ar.us.

Sincerely,

Charles M. Johnson
Senior Manager
Office of Land Resources

Enclosures: General Permit for Construction and Operation of a Yard Waste Composting Facility
Permit Rationale

OLR: White, Speake, Rich, Cusher

GENERAL PERMIT
FOR CONSTRUCTION AND OPERATION OF A YARD WASTE COMPOSTING FACILITY (TYPE Y COMPOSTING FACILITY) ISSUED BY STATE OF ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

PERMIT NUMBER: **0000-SCYW**

AUTHORITY: In accordance with the provisions of the Arkansas Solid Waste Management Act (Act 237 of 1971 as amended; Arkansas Code of 1987 Annotated §8-6-201 *et seq.*), and the Arkansas Pollution Control and Ecology Commission (APC&EC) Regulation No. 22, the Department has the authority to issue general permits for certain categories of solid waste processing facilities. Pursuant to that authority, the Department has chosen to permit Type Y composting facilities through a general permit program.

EFFECTIVE DATE: October 2, 2017

EXPIRATION DATE: October 2, 2022

LIMITATIONS: Owners or operators of Type Y composting facilities within the State of Arkansas who fail to make a written request to the Director to be covered by this general permit or those who fail to submit all required documentation are not authorized to operate under the permit.

Signed this 15th day of May, 2017

Tammie J. Hynum
Acting Senior Operations Manager
Office of Land Resources
Arkansas Department of Environmental Quality

PERMIT REQUIREMENTS

I. PERMIT AREA

The area covered by this general permit includes all areas within the State of Arkansas.

II. ELIGIBILITY AND AUTHORIZATION

A. Owners or operators of Type Y composting facilities which accept yard waste and other Type Y compost material for composting as described herein and APC&EC Regulation No. 22 may be covered by this general permit.

B. The Director reserves the right to require at any time that the owner or operator of a Type Y composting facility seek coverage under an individual permit. Notice of the decision to require coverage under an individual permit and the rationale for the decision will be provided to the owner or operator. In considering whether to require individual permitting, the Director may consider:

1. The compliance history of the owners and operators of the facility or compliance history of the site;

2. The size or capacity of the facility;

3. Whether the facility was in existence prior to the effective date of amendments to APC&EC Regulation No. 22 (May 7, 1995);

4. The nature of any incoming solid wastes or materials, the method of processing materials, or the method of storage, handling, or other means of treatment; or

5. Other overriding environmental or public participation issues.

C. Existing or planned facilities that do not qualify as a Type Y composting facility as described by Section 22.103(c) or 22.802(a)(1) of APC&EC Regulation No. 22 may not be covered by this permit. Facilities which propose to accept wastes other than yard waste or Type Y compost materials as defined by APC&EC Regulation No. 22.102, or other wastes outside the scope of the Type Y (CY) permit category listed in APC&EC Regulation No. 22.103(c) may not be covered by this general permit.

D. Small capacity compost areas which process less than fifty (50) tons or five hundred (500) cubic yards per year of incoming yard waste, silvacultural activities such as tree prunings and land clearing debris, and agricultural waste or other approved wastes are exempt from permitting provided the facility meets all provisions of Section 22.801(e)(1) of APC&EC Regulation No. 22. Written notice of the facility is required by APC&EC Regulation No. 22.801(e)(1). See Attachment A of this permit for the *Exempt Small Composting Site*

Notification Form.

E. Additional exemptions from permitting are outlined in APC&EC Regulation No. 22.801(e)(2), (3) and (4). Exemptions include individual residential composting of yard waste or organic waste generated at the residence, composting in conjunction with confined animal facilities, and composting in conjunction with nursery operations. Department notification is not required for sites which qualify for this exemption.

F. Non-composting Material Recycling Facilities which accept yard waste, wood waste, or other wood or natural vegetative debris solely for processing and redistribution as a recovered material are not considered solid waste processors and are not required to obtain a permit. Material Recycling Facilities which plan to accept this material are considered a Type Y Material Recycling Facility (Type Y MRF). Type Y MRFs which accept yard waste are encouraged to register with ADEQ –Recycling Branch. Forms will be made available on the ADEQ website. Chapter 10 of APC&EC Regulation No. 22 discusses the MRF exemption and includes a discussion of a limitation of time which material may exist at a MRF before redistribution for recycling purposes.

III. NOTICE OF INTENT (NOI)

A. Owners or operators of Type Y composting facilities located within the State of Arkansas who desire coverage under this general permit shall submit a notification to the Department indicating their intent to be covered under the terms of this general permit. Unless otherwise notified in writing by the Department, owners or operators are authorized to operate under this general permit thirty (30) days after ADEQ receipt of the notification. Facilities covered by the previous composting general permit are required to submit a new Notice of Intent (NOI) to obtain coverage under this permit or apply for an individual permit.

B. Written notification for intent to be covered under the General Permit shall be made upon the latest version of NOI forms provided by the Department and available on the ADEQ website. All information required by the NOI form shall be provided.

C. The NOI shall be signed by an authorized individual as defined in APC&EC Regulation No. 22.301(h) and signed and stamped by a registered professional engineer retained by the facility as required by APC&EC Regulation No. 22.301(i).

D. The approved NOI and required attachments shall be considered an integral and enforceable part of this permit. Any modification to facility design or operation shall be updated through a revised NOI including attachments and submitted to the Department for approval. It shall be the sole decision of the Director whether the changes are eligible for continued coverage under this permit in accordance with section II.B.

E. This general permit or site-specific coverage under this permit may be administratively changed; modified; revoked; reissued; or terminated for cause in accordance with the requirements of APC&EC Regulation No. 8 and APC&EC Regulation No. 22. The filing of

a request by a covered permittee for a facility modification does not stay any permit condition. Approval of any NOI which is in conflict with any permit condition or applicable regulation shall not be considered valid; covered permittees are bound to comply with this permit, APC&EC Regulation No. 22, and other applicable regulations.

F. Any change in ownership or control of the operation of the facility will require submittal of a disclosure statement in accordance with APC&EC Regulation No. 8. Transfer of this permit will require submittal of a new NOI for coverage in accordance with this section. Transfer information also shall include the requirements of APC&EC Regulation No. 22.307. Failure to notify the Department of a change in ownership or control or of changes in responsibility for the operation of the facility will be cause for termination of coverage under this general permit.

IV. DEADLINE FOR NOI SUBMITTAL

A. An NOI for coverage under this general permit shall be submitted:

1. For existing facilities, not later than August 2, 2017. Existing facilities which submit an NOI to be covered under this general permit by August 2, 2017, will be allowed to continue operating until a decision has been reached by the Department to allow or deny coverage under this general permit.

2. For new or planned facilities, a minimum of thirty (30) days prior to commencement of construction.

B. Any Department Notification of Deficiency (NOD) or other information request shall be adequately fulfilled within thirty (30) days following the date of the NOD request or as specified in the request for information. Failure to submit adequate information in a timely manner shall be cause for Department termination of any coverage under this permit.

C. Within sixty (60) days following submittal of the NOI for coverage under this general permit, the facility shall apply for coverage or be able to demonstrate coverage under the NPDES Industrial Stormwater General Permit (IGP) or another acceptable permit to cover stormwater discharges.

V. TERMINATION OF COVERAGE

A. An owner or operator shall notify the Director if the facility ceases operation and/or if coverage under the general permit is no longer necessary. The Department shall be notified in writing sixty (60) days prior to the proposed termination date of the general permit.

B. Within ten (10) days of ceasing operations, all residuals and wastes shall be removed from the site and disposed at a properly permitted disposal facility, and the facility and equipment shall be brought to a sanitary condition. The operator shall then arrange for a final cleaning of any containers, equipment, machines, floors, and facility surfaces having come in contact

with solid waste. All closure activities shall be completed no later than forty-five (45) days after the termination date of facility operations unless otherwise approved by the Department.

C. Coverage under this general permit may be terminated at the discretion and upon notification by the Department if construction of the facility has not commenced within one hundred eighty (180) days and completed within three hundred sixty-five (365) days from the date of coverage provided under the general permit. Coverage under this general permit may be terminated at the discretion and notification by the Department if the facility fails to operate for sixty (60) consecutive calendar days. If the facility does not operate for sixty (60) consecutive calendar days the facility shall implement the procedures in this section and APC&EC Regulation No. 22.

VI. CONDITIONS FOR TYPE Y COMPOSTING GENERAL PERMIT

A. The Type Y composting facility shall be maintained and operated in accordance with the conditions of this permit and in compliance with all applicable provisions of the Ark. Code Ann. §8-6-201 *et seq.* as amended, APC&EC Regulation No. 22, and all other applicable rules and regulations.

B. The permit holder shall pay an annual permit fee as specified in APC&EC Regulation No. 9.

C. The Department has no responsibility for the adequacy or proper operation of the yard waste composting facility. Nothing herein shall be construed as releasing the permittee from any liability for damage to persons or property by reason of the installation, maintenance, or operation of the yard waste composting facility. The facility shall be operated by qualified personnel and maintained in good condition at all times.

D. Any duly authorized officer, employee, or representative of the Department may enter without interference or unreasonable delay to inspect any facility covered by this permit or proposed for coverage by this permit. The agent may also enter any other satellite location, ancillary facility, location of compost application sites, or generally any other facility as necessary to determine compliance with APC&EC Regulation No. 22.

E. The facility shall be in compliance with the following location restrictions:

1. The facility shall be designed and operated in a manner that will not restrict the flow of the base flood, reduce the temporary water storage capacity of the floodplain, or result in washout of solid waste and/or finished compost so as to pose a hazard to human health, wildlife, land, or water resources.

2. The facility or any facility expansion shall not be located in wetlands, or if it is, the owner of the facility shall demonstrate that the facility is in compliance with the provisions of the Clean Water Act and implementing regulations. To demonstrate compliance the

facility must provide wetlands delineation and any permit that may be required by the appropriate agency with jurisdiction for the proposed site.

3. The facility shall not be located within a municipality or county that has adopted restrictions on sites in conjunction with a comprehensive county-wide land use plan as provided in APC&EC Regulation No. 22.203 unless specific geographic site approval has been received from the government(s) of jurisdiction.

4. Composting areas or areas used for storing incoming materials or finished compost shall not be located within the following setback distances:

   a. Fifty feet (50') of the property boundary;

   b. One hundred feet (100') from a naturally occurring surface water body, stream or streambed; and

   c. Two hundred feet (200') feet to an existing residence, place of business or drinking water supply not owned or leased by the applicant.

5. All components of siting location, design, construction, operation, maintenance, and closure shall be in accordance with any rules of the Regional Solid Waste Management District or rules of local zoning which may apply.

F. The compost operation shall be conducted in a manner which prevents pollution, public health hazards, nuisances, odors, and the harborage of vectors.

G. Operation of the facility shall follow acceptable methods of composting as described in the approved operating plan which result in the aerobic biochemical degradation of the organic material received. Operating methods employ active management of incoming materials according to the approved plans. Materials are routed to designated stockpiles with specified volumes and processed into compost according to timeframes specified in the plans. Operating methods include procedures or equipment for material sizing, methods of manipulating materials into or onto the specified processing area, and consideration of material types and mixture ratios. Operating methods include mixing or turning techniques or other methods to encourage aerobic conditions. Operating methods address proper moisture control, methods for monitoring product quality during and after processing, and methods for screening or selection procedures for processed materials to ensure a marketable or otherwise desirable finished product. Designated storage volumes and locations are specified for finished materials and should not be exceeded.

H. Facilities shall develop and implement procedures in the approved operating plan for recording the amount of waste received and composted and this information shall be available for inspection by the Department.

I. Facilities shall develop and implement contingency plans in the approved operating plan for the following items:

1. The plan shall provide methods for controlling the type of waste received at the facility and for removing and recovering non-compostable materials for recycling or disposal including the removal, storage, and disposal of any hazardous or other unauthorized wastes;
2. The plan shall provide that firefighting equipment is available at the site and ensure that personnel have been trained in firefighting procedures. Where possible, the facility shall assure that fire protection services are available to the site through notification to local fire protection officials;
3. The plan shall provide remedial and contingency measures in the case that unapproved wastes are delivered to the facility or in the event of odors, equipment breakdown, and other emergency or undesirable conditions such as fire, dust, and vectors.
4. The plan shall provide any safety equipment that may be necessary due to site operations.

J. All operations shall be supervised by a licensed on-site operator who is certified in accordance with APC&EC Regulation No. 27 during all hours of operation, and access to the facility shall be prohibited during non-operating hours.

K. A written operating record shall be maintained. Records shall include at a minimum:

1. Monitoring results of stormwater runoff and/or site discharges as required by facility NPDES permit(s);
2. This permit, all approved NOI submittal documents for this permit, permit design drawings, operating plan and narrative including closure plan, modifications, annual reports, and Department correspondence;
3. Facility operating records as required by APC&EC Regulation No. 22.808(a);
4. Quantity, type, and source of incoming waste on a monthly basis;
5. Quantity of compost sold or distributed on a monthly basis;
6. Quantity of residue removed for disposal and the date and location of disposal;
7. Any testing data including sampling information, chain of custody, and sample results that may be taken of compost products generated at the site; and
8. Any other records required by APC&EC Regulation No. 22.

L. The facility shall be operated in accordance with the provisions of the site-specific Operating Plan as approved by the Department and which meets all requirements of APC&EC Regulation No. 22, Chapter 8. Non-composting activities or areas used for processing or storage of source-separated recovered materials shall also be depicted in facility plans and

described in the operating plan. All changes to the site-specific Operating Plan must be approved in writing by the Department.

M. The facility shall be constructed in accordance with the Design Narrative and Permit Plans and Specifications as approved by the Department and which meets all requirements of APC&EC Regulation No. 22, Chapter 8. Any changes to the approved design for the facility must be approved in writing by the Department prior to implementation.

N. The composting area shall have a surface that can withstand heavy equipment loads and shall be sloped to prevent ponding of water.

O. The facility shall be designed with stormwater management controls to meet State and Federal regulations and to prevent stormwater run-on from entering the receiving, processing, curing, and storage areas.

P. Restricted access to the site shall be maintained through the use of fences, gates, warning signs, natural barriers, or other means described in the approved NOI documents.

Q. The facility design shall include all-weather access roads for vehicle movement within the site and clearly illustrate operational receiving, processing, production, curing, and storage areas.

R. The facility shall post a sign with the name of the facility, permit number, emergency phone number, opening and closing hours, and days of operation at the entrance of the facility.

S. The facility shall implement methods for controlling odor, noise, dust, vectors, litter or other nuisance or safety conditions including fire hazards.

T. The facility shall have sufficient capacity to handle incoming materials and the storage of 6 months production of finished compost. Methods to handle and remove unacceptable wastes delivered to the facility shall be included in facility design.

U. All areas of the permitted facility shall have positive run-off drainage, shall be free of standing water, and shall route water in accordance with the approved NPDES stormwater permit and according to the NOI filed for coverage under this permit. Facilities shall follow the current Stormwater Pollution Prevention Plan (SWPPP); facilities shall implement necessary Best Management Practices (BMPs) for stormwater, and perform the discharge monitoring and reporting requirements according to all NPDES stormwater or other discharge permits.

V. New facilities shall not commence construction or operation without required stormwater or discharge permit coverage or documentation that a permit or permits is not required. Existing facilities are required to obtain necessary stormwater or discharge permit within sixty (60) days according to Section IV.C of this permit.

W. The owner or operator shall prepare and file an annual report with the Department by March 31 of each year. The report shall cover the previous January through December and shall include at a minimum the following items:

1. Monitoring results of stormwater runoff/or site discharges as required by facility NPDES permits;
2. A summary narrative of any changes to site design, changes in operations, or necessary maintenance or remedial measures taken at the facility during the past reporting period;
3. Quantity, type, and source of incoming waste on a monthly basis;
4. Quantity of compost sold or distributed on a monthly basis;
5. Quantity of residue removed for disposal, and the date and location of disposal; and
6. Any other information which may affect compliance with APC&EC Regulation No. 22.

X. The owner or operator of the facility shall notify the Department in writing within sixty (60) days prior to the proposed termination date of the facility. Within ten (10) days of ceasing operations, all residuals, waste, etc. shall be removed from the site and disposed and all requirements of section V.B of this permit shall be met.

Y. The facility shall conform to the requirements in the approved Closure Plan which is on file with or referenced by the approved NOI documents. The approved closure plan shall meet the provisions of APC&EC Regulation No. 22.804(b)(9) and 22.810.

Z. Owners and operators of permitted compost facilities shall post financial assurance in accordance with APC&EC Regulation No. 22. The method for furnishing the required amount of Financial Assurance shall be in accordance with APC&EC Regulation No. 22.1405.

AA. Cost estimates for financial assurance shall be calculated and certified by the professional engineer registered in the state of Arkansas which has been retained to provide design services for the purpose of this permit. The engineer, on behalf of the applicant, shall complete the Cost Estimate Summary Form included within the NOI form or attach a detailed cost estimate to the NOI form. The engineer shall include the maximum proposed amounts of all wastes and recovered materials anticipated to exist on-site during the life of this permit. The engineer shall provide the cost estimate for third-party removal and/or disposal of each item which is reflective of the cost the Department would incur in the event of site

abandonment. The estimate shall be multiplied by the factor of one hundred fifty percent (150%) as indicated by APC&EC Regulation No. 22.810(c)(2). The form shall be certified by a professional engineer. The specific materials and amounts listed on the approved form or separate detailed estimate shall be considered limiting conditions for the site and are an integral part of this permit.

BB. Financial assurance funds may be used by the Department, as determined by the Director, for any reasonable purpose to remediate and mitigate any environmental, health, or safety hazard at the site should the owner or operator be unable or unwilling to fulfill the permit obligations of this general permit.

Attachment A. – Exempt Small Composting Site Notification Form
Permit No. 0000-SCYW

Exempt Small Composting Site Notification Form

Name of Owner/Operator:	
Owner/Operator Mailing Address:	
Contact Name and Phone Number:	
REQUIREMENTS	
Per APC&EC Regulation No. 22.801(e)(1) – Facilities are limited to less than 50 tons or 500 yards per year of incoming material for composting.	
Per APC&EC Regulation No. 22.801(e)(1)(i) – The process must follow acceptable methods of composting and is developed, operated and maintained in a safe, nuisance free manner.	
Per APC&EC Regulation No.22.801(e)(1)(ii) – The facility shall provide a written notice to the Department describing the facility location, description of the operation and intended end use for the compost prior to commencement of construction.	
OPERATION DESCRIPTION	
Describe facility location, address, county, latitude and longitude, maps may be included:	
List incoming composting materials:	
Provide amount of incoming wastes to be composted per year:	Select: **yards** or **tons**
Describe the method(s) for composting:	

List equipment and typical personnel necessary in the composting operation.	
Estimated time to compost incoming wastes into finished product:	
Maximum wastes and finished material on site at any time:	Select: **yards** or **tons**
List the proposed end use:	
Owner/Operator Signature and Title:	
Submit To: ADEQ – Office of Land Resources **Regulated Waste Operations** **5301 Northshore Drive** **North Little Rock, AR 72118**	

FACT SHEET

YARD WASTE COMPOSTING FACILITY
(TYPE Y COMPOSTING FACILITY)
GENERAL PERMIT

In accordance with provisions of the Arkansas Pollution Control and Ecology Commission (APC&EC) Regulation No. 8.207, public notice was given that the Arkansas Department of Environmental Quality (ADEQ) has made a decision to issue a general permit for the operation of yard waste composting facilities.

Final General Permit 0000-SCYW is hereby issued for eligible yard waste composting facilities. This permit would apply to facilities as described below and as further defined in APC&EC Regulation No. 22.

The Yard Waste Composting Facility General Permit will be available to cover facilities located in the State of Arkansas which choose to be covered by the General Permit, meet the terms of the Permit, and comply with restrictions of APC&EC Regulation No. 22. APC&EC Regulation No. 22 defines composting as the deliberate aerobic decomposition of waste into a stable humus-like material. Yard waste and other Type Y compost material are the only acceptable materials eligible for processing under this permit. Yard waste is defined as grass clippings, leaves, and shrubbery trimmings. Type Y compost material is defined as yard waste or other vegetative materials such as tree prunings or chipped brush.

Coverage under General Permit 0000-SCYW may be obtained by submitting a Notice of Intent (NOI) for coverage under the General Permit for the construction and operation of a Yard Waste Composting Facility. The NOI form must be completed for all current permittees in order to maintain coverage under the General Permit 0000-SCYW.

The Proposed General Permit was placed into public notice on March 29, 2017. The end of the public comment period will be April 28, 2017. All comments received during the public comment period will be addressed in the final permit decision.

ECONOMIC IMPACT - ENVIRONMENTAL BENEFIT
YARD WASTE COMPOSTING FACILITY
(TYPE Y COMPOSTING FACILITY)
Permit No. 0000-SCYW

A requirement of Act 731 of the 88th General Assembly, 2011, requires the Department to consider economic impact and environmental benefit. The new requirements are codified in Ark. Code Ann. §8-4-203(m) as follows:

8-4-203(m)	Requirement
(3)(A)(i)	Before the submittal to public comment of a general permit that has not been previously issued, the department shall consider the economic impact and environmental benefit of the general permit and its terms and conditions upon the people of the State of Arkansas, including those entities that may apply for coverage under the general permit.
(3)(A)(ii)	This requirement does not apply to general permits or terms or conditions that adopt the language of state or federal statutes or regulations without substantive change.
(3)(B)	If the terms and conditions of a previously issued general permit are revised upon renewal, the economic impact and environmental benefit of only the proposed changes shall be considered.
(3)(C)	A general permit for which costs are specifically prohibited from being considered by state or federal law or regulation is exempt from the requirements of this subsection.
(3)(D)	The department may rely upon readily available information for its consideration of the economic impact and environmental benefit of the general permit and its terms and conditions.

Following is a discussion of applicability of the general permitting requirements to this permit decision:

8-4-203(m)	Applicability
(3)(A)(i)	The Yard Waste Composting Facility General Permit has been previously issued and has been in existence since 1995.
(3)(A)(ii)	The language contained in the specific condition is derived directly from Regulation 22 or is a specific requirement of Regulation 22.
(3)(B)	The terms and intent of the general permit have not changed materially from past revisions.
(3)(C)	N/A
(3)(D)	N/A

Following is a discussion of the major clarification updates in this permit decision:

There have been no clarification updates in the General Permit. The only changes are reference corrections and renumbering of sections.

***

ADEQ

ARKANSAS
Department of Environmental Quality

October 2, 2012

Forrest City, City of
The Honorable Larry Bryant
P.O. Box 1074
Forrest City, AR 72336

RE: Final Permit Decision for the General Permit for a Yard Waste Composting Facility (Type Y Composting Facility)
Forrest City, City of
Current Permit # 0051-SCYW-MC; AFIN: 62-00070
Document Identifier #63239

Dear Mayor Bryant:

The ADEQ - Solid Waste Management Division (SWMD) has made a final decision to issue the general permit for yard waste composting facilities. In accordance with APC&EC Regulation 8.207, statewide public notice was published in the Arkansas Democrat-Gazette on August 10, 2012. During the 30-day draft permit comment period, no formal comments were received. The new permit became effective on October 2, 2012. The new permit is attached.

With the exception being individual permit holders, most Arkansas yard waste composting facilities operate under the general permit system. **To continue coverage under the Type Y composting general permit you are now required to complete the new Notice of Intent (NOI). Submittal of a completed NOI is required by November 30, 2012.** The new NOI is attached.

All sections on the new NOI form must be answered and the required attachments must be included or properly referenced. After SWMD receives a complete NOI which meets all regulatory requirements, SWMD will issue an official coverage letter for your facility.

If you have questions regarding the above information, please contact a member of the technical branch engineering staff by calling (501) 682-0587.

Sincerely,

Bryan Leamons

Bryan Leamons, P.E.
Engineer Supervisor, SWMD

cc: Susan Speake, Programs Branch Manager
Heidi Love, Inspector Supervisor
Scott McWilliams, Enforcement Coordinator
Roger Lawrence, Chief, Solid Waste Management Division

GENERAL PERMIT
FOR CONSTRUCTION AND OPERATION OF A YARD WASTE COMPOSTING FACILITY (TYPE Y COMPOSTING FACILITY) ISSUED BY STATE OF ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

PERMIT NUMBER: **0000-SCYW**

AUTHORITY: In accordance with the provisions of the Arkansas Solid Waste Management Act (Act 237 of 1971 as amended; Arkansas Code of 1987 Annotated §8-6-201 *et seq.*), and the Arkansas Pollution Control and Ecology Commission (APC&EC) Regulation No. 22, the Department has the authority to issue general permits for certain categories of solid waste processing facilities. Pursuant to that authority, the Department has chosen to permit Type Y composting facilities through a general permit program.

EFFECTIVE DATE: October 2, 2012

EXPIRATION DATE: October 2, 2017

LIMITATIONS: Owners or operators of Type Y composting facilities within the State of Arkansas who fail to make a written request to the Director to be covered by this general permit or those who fail to submit all required documentation are not authorized to operate under the permit.

Signed this 2nd day of October, 2012

Roger Lawrence, Chief
Solid Waste Management Division
Arkansas Department of Environmental Quality

PART I
PERMIT REQUIREMENTS

SECTION A. PERMIT AREA

The area covered by this general permit includes all areas within the State of Arkansas.

SECTION B. ELIGIBILITY AND AUTHORIZATION

1. Owners or operators of Type Y composting facilities which accept yard waste and other Type Y compost material for composting as described herein and Regulation 22 may be covered by this general permit.

2. The Director reserves the right to require at any time that the owner or operator of a Type Y composting facility seek coverage under an individual permit. Notice of the decision to require coverage under an individual permit and the rationale for the decision will be provided to the owner or operator. In considering whether to require individual permitting, the Director may consider:

   a. The compliance history of the owners and operators of the facility or compliance history of the site;

   b. The size or capacity of the facility;

   c. Whether the facility was in existence prior to the effective date of amendments to Regulation Number 22 (May 7, 1995);

   d. The nature of any incoming solid wastes or materials, the method of processing materials, or the method of storage, handling, or other means of treatment; or

   e. Other overriding environmental or public participation issues.

3. Existing or planned facilities that do not qualify as a Type Y composting facility as described by Section 22.103(c) or 22.802(a)(1) of Regulation 22 may not be covered by this permit. Facilities which propose to accept wastes other than yard waste or Type Y compost materials as defined by Section 22.102, or other wastes outside the scope of the Type Y (CY) permit category listed in Section 22.103(c) may not be covered by this general permit.

4. Small capacity compost areas which process less than fifty (50) tons or five hundred (500) cubic yards per year of incoming yard waste, silvacultural activities such as tree prunings and land clearing debris, and agricultural waste or other approved wastes are exempt from permitting provided the facility meets all provisions of Section 22.801(e)(1) of Regulation 22. Written notice of the facility is required by Section 22.801(e)(1). See Part III of this permit for the *Exempt Small Composting Site Notification Form.*

5. Additional exemptions from permitting are outlined in Regulation 22.801(e)(2), (3) and (4). Exemptions include individual residential composting of yard waste or organic waste generated at the residence, composting in conjunction with confined animal facilities, and composting in conjunction with nursery operations. No department notification is required for sites which qualify for this exemption.

6. Non-composting Material Recycling Facilities which accept yard waste, wood waste, or other wood or natural vegetative debris solely for processing and redistribution as a recovered material are not considered solid waste processors and are not required to obtain a permit. Material Recycling Facilities which plan to accept this material are considered a Type Y Material Recycling Facility (Type Y MRF). Type Y MRFs which accept yard waste are encouraged to register with ADEQ – Solid Waste Management Division Recycling Branch. Forms will be made available on the ADEQ website. Chapter 10 of Regulation 22 discusses the MRF exemption and includes a discussion of a limitation of time which material may exist at a MRF before redistribution for recycling purposes.

SECTION C. NOTICE OF INTENT (NOI)

1. Owners or operators of Type Y composting facilities located within the State of Arkansas who desire coverage under this general permit shall submit a notification to the Department indicating their intent to be covered under the terms of this general permit. Unless otherwise notified in writing by the Department, owners or operators are authorized to operate under this general permit thirty (30) days after ADEQ receipt of the notification. Facilities covered by the previous composting general permit are required to submit a new Notice of Intent (NOI) to obtain coverage under this permit or apply for an individual permit.

2. Written notification for intent to be covered under the General Permit shall be made upon the latest version of NOI forms provided by the Department and available on the ADEQ website. All information required by the NOI form shall be provided.

3. The NOI shall be signed by an authorized individual as defined in Regulation 22.301(h) and signed and stamped by a registered professional engineer retained by the facility as required by 22.301(i).

4. The approved NOI and required attachments shall be considered an integral and enforceable part of this permit. Any modification to facility design or operation shall be updated through a revised NOI including attachments and submitted to the Department for approval. It shall be the sole decision of the Director whether the changes are eligible for continued coverage under this permit in accordance with section B-2 of Part I.

5. This general permit or site-specific coverage under this permit may be administratively changed; modified; revoked; reissued; or terminated for cause in accordance with the requirements of APC&EC Regulation 8 and 22. The filing of a request by a covered permittee for a facility modification does not stay any permit condition. Approval of any NOI which is in conflict with any permit condition or applicable regulation shall not be considered valid; covered permittees are bound to comply with this permit, Regulation 22, and other applicable regulations.

6. Any change in ownership or control of the operation of the facility will require submittal of a disclosure statement in accordance with Regulation 8. Transfer of this permit will require submittal of a new NOI for coverage in accordance with this section. Transfer information also shall include the requirements of Regulation 22.307. Failure to notify the Department of a change in ownership or control or of changes in responsibility for the operation of the facility will be cause for termination of coverage under this general permit.

SECTION D. DEADLINE FOR NOI SUBMITTAL

1. An NOI for coverage under this general permit shall be submitted:

   a. For existing facilities, not later than November 30, 2012. Existing facilities which submit an NOI to be covered under this general permit by November 30, 2012 will be allowed to continue operating until a decision has been reached by the Department to allow or deny coverage under this general permit.

   b. For new or planned facilities, a minimum of thirty (30) days prior to commencement of construction.

2. Any Department Notification of Deficiency (NOD) or other information request shall be adequately fulfilled within sixty (60) days following the date of the NOD request or as specified in the request for information. Failure to submit adequate information in a timely manner shall be cause for Department termination of any coverage under this permit.

3. Within sixty (60) days following submittal of the NOI for coverage under this general permit, the facility shall apply for coverage or be able to demonstrate coverage under the NPDES Industrial Stormwater General Permit (IGP) or another acceptable permit to cover stormwater discharges.

SECTION E. TERMINATION OF COVERAGE

1. An owner or operator shall notify the Director if the facility ceases operation and/or if coverage under the general permit is no longer necessary. The Department shall be notified in writing sixty (60) days prior to the proposed termination date of the general permit.

2. Within ten (10) days of ceasing operations, all residuals and wastes shall be removed from the site and disposed at a properly permitted disposal facility, and the facility and equipment shall be brought to a sanitary condition. The operator shall then arrange for a final cleaning of any containers, equipment, machines, floors, and facility surfaces having come in contact with solid waste. All closure activities shall be completed no later than forty-five (45) days after the termination date of facility operations unless otherwise approved by the Department.

3. Coverage under this general permit may be terminated at the discretion and upon notification by the Department if construction of the facility has not commenced within one hundred eighty (180) days and completed within three hundred sixty-five (365) days from the date of coverage provided under the general permit. Coverage under this general permit may be terminated at the discretion and notification by the Department if the facility fails to operate for sixty (60) consecutive calendar days. If the facility does not operate for sixty (60) consecutive calendar days the facility shall implement the procedures in this section and Regulation 22.

PART II
CONDITIONS FOR TYPE Y COMPOSTING GENERAL PERMIT

1. The Type Y composting facility shall be maintained and operated in accordance with the conditions of this permit and in compliance with all applicable provisions of the Ark. Code Ann. §8-6-201 *et seq.* as amended, Regulation 22, and all other applicable rules and regulations.

2. The permit holder shall pay an annual permit fee as specified in Regulation 9.

3. The Department has no responsibility for the adequacy or proper operation of the yard waste composting facility. Nothing herein shall be construed as releasing the permittee from any liability for damage to persons or property by reason of the installation, maintenance, or operation of the yard waste composting facility. The facility shall be operated by qualified personnel and maintained in good condition at all times.

4. Any duly authorized officer, employee, or representative of the Department may enter without interference or unreasonable delay to inspect any facility covered by this permit or proposed for coverage by this permit. The agent may also enter any other satellite location, ancillary facility, location of compost application sites, or generally any other facility as necessary to determine compliance with Regulation 22.

5. The facility shall be in compliance with the following location restrictions:

   a. The facility shall be designed and operated in manner that will not restrict the flow of the base flood, reduce the temporary water storage capacity of the floodplain, or result in washout of solid waste and/or finished compost so as to pose a hazard to human health, wildlife, land, or water resources.

   b. The facility or any facility expansion shall not be located in wetlands, or if it is, the owner of the facility shall demonstrate that the facility is in compliance with the provisions of the Clean Water Act and implementing regulations. To demonstrate compliance the facility must provide wetlands delineation and any permit that may be required by the appropriate agency with jurisdiction for the proposed site.

   c. The facility shall not be located within a municipality or county that has adopted restrictions on sites in conjunction with a comprehensive county-wide land use plan as provided in Reg.22.203 unless specific geographic site approval has been received from the government(s) of jurisdiction.

   d. Composting areas or areas used for storing incoming materials or finished compost shall not be located within the following setback distances:

      (i) Fifty feet (50') of the property boundary;

      (ii) One hundred feet (100') from a naturally occurring surface water body, stream or streambed; and

      (iii) Two hundred feet (200') feet to an existing residence, place of business or drinking water supply not owned or leased by the applicant.

   e. All components of siting location, design, construction, operation, maintenance, and closure shall be in accordance with any rules of the Regional Solid Waste Management District or rules of local zoning which may apply.

6. The compost operation shall be conducted in a manner which prevents pollution, public health hazards, nuisances, odors, and the harborage of vectors.

7. Operation of the facility shall follow acceptable methods of composting as described in the approved operating plan which result in the aerobic biochemical degradation of the organic material received. Operating methods employ active management of incoming materials according to the approved plans. Materials are routed to

designated stockpiles with specified volumes and processed into compost according to timeframes specified in the plans. Operating methods include procedures or equipment for material sizing, methods of manipulating materials into or onto the specified processing area, and consideration of material types and mixture ratios. Operating methods include mixing or turning techniques or other methods to encourage aerobic conditions. Operating methods address proper moisture control, methods for monitoring product quality during and after processing, and methods for screening or selection procedures for processed materials to ensure a marketable or otherwise desirable finished product. Designated storage volumes and locations are specified for finished materials and should not be exceeded.

8. Facilities shall develop and implement procedures in the approved operating plan for recording the amount of waste received and composted and this information shall be available for inspection by the Department.

9. Facilities shall develop and implement contingency plans in the approved operating plan for the following items:

    a. The plan shall provide methods for controlling the type of waste received at the facility and for removing and recovering non-compostable materials for recycling or disposal including the removal, storage, and disposal of any hazardous or other unauthorized wastes;
    b. The plan shall provide that firefighting equipment is available at the site and ensure that personnel have been trained in firefighting procedures. Where possible, the facility shall assure that fire protection services are available to the site through notification to local fire protection officials;
    c. The plan shall provide remedial and contingency measures in the case that unapproved wastes are delivered to the facility or in the event of odors, equipment breakdown, and other emergency or undesirable conditions such as fire, dust, and vectors.
    d. The plan shall provide any necessary safety equipment that may be necessary due to site operations.

10. All operations shall be supervised by a licensed on-site operator who is certified in accordance with Regulation 27 during all hours of operation, and access to the facility shall be prohibited during non-operating hours.

11. A written operating record shall be maintained. Records shall include at a minimum:

    a. Monitoring results of stormwater runoff and/or site discharges as required by facility NPDES permits;
    b. This permit, all approved NOI submittal documents for this permit, permit design drawings, operating plan and narrative including closure plan, modifications, annual reports, and Department correspondence;
    c. Facility operating records as required by Regulation 22.808(a);
    d. Quantity, type, and source of incoming waste on a monthly basis;
    e. Quantity of compost sold or distributed on a monthly basis;
    f. Quantity of residue removed for disposal and the date and location of disposal;
    g. Any testing data including sampling information, chain of custody, and sample results that may be taken of compost products generated at the site; and
    h. Any other records required by Regulation 22.

12. The facility shall be operated in accordance with the provisions of the site-specific Operating Plan as approved by the Department and which meets all requirements of Regulation 22, Chapter 8. Non-composting activities or areas used for processing or storage of source-separated recovered materials shall also be depicted in facility plans and described in the operating plan. All changes to the site-specific Operating Plan must be approved in writing by the Department.

13. The facility shall be constructed in accordance with the Design Narrative and Permit Plans and Specifications as approved by the Department and which meets all requirements of Regulation 22, Chapter 8. Any changes to the approved design for the facility must be approved in writing by the Department prior to implementation.

14. The composting area shall have a surface that can withstand heavy equipment loads and shall be sloped to prevent ponding of water.

15. The facility shall be designed with stormwater management controls to meet State and Federal regulations and to prevent stormwater run-on from entering the receiving, processing, curing, and storage areas.

16. Restricted access to the site shall be maintained through the use of fences, gates, warning signs, natural barriers, or other means described in the approved NOI documents.

17. The facility design shall include all-weather access roads for vehicle movement within the site and clearly illustrate operational receiving, processing, production, curing, and storage areas.

18. The facility shall post a sign with the name of the facility, permit number, emergency phone number, opening and closing hours, and days of operation at the entrance of the facility.

19. The facility shall implement methods for controlling odor, noise, dust, vectors, litter or other nuisance or safety conditions including fire hazards.

20. The facility shall have sufficient capacity to handle incoming materials and the storage of 6 months production of finished compost. Methods to handle and remove unacceptable wastes delivered to the facility shall be included in facility design.

21. All areas of the permitted facility shall have positive run-off drainage, shall be free of standing water, and shall route water in accordance with the approved NPDES stormwater permit and according to the NOI filed for coverage under this permit. Facilities shall follow the current Stormwater Pollution Prevention Plan (SWPPP); facilities shall implement necessary Best Management Practices (BMPs) for stormwater, and perform the discharge monitoring and reporting requirements according to all NPDES stormwater or other discharge permits.

22. New facilities shall not commence construction or operation without required stormwater or discharge permit coverage or documentation that a permit or permits is not required. Existing facilities are required to obtain necessary stormwater or discharge permit within sixty (60) days according to D-3 of Part I of this permit.

23. The owner or operator shall prepare and file an annual report with the Department by March 31 of each year. The report shall cover the previous January through December and shall include at a minimum the following items:

    a. Monitoring results of stormwater runoff/or site discharges as required by facility NPDES permits;
    b. A summary narrative of any changes to site design, changes in operations, or necessary maintenance or remedial measures taken at the facility during the past reporting period;
    c. Quantity, type, and source of incoming waste on a monthly basis;
    d. Quantity of compost sold or distributed on a monthly basis;
    e. Quantity of residue removed for disposal, and the date and location of disposal; and
    f. Any other information which may affect compliance with Regulation 22.

24. The owner or operator of the facility shall notify the Department in writing within sixty (60) days prior to the proposed termination date of the facility. Within ten (10) days of ceasing operations, all residuals, waste, etc. shall be removed from the site and disposed and all requirements of section E-2 of Part I of this permit shall be met.

25. The facility shall conform to the requirements in the approved Closure Plan which is on file with or referenced by the approved NOI documents. The approved closure plan shall meet the provisions of Regulation 22.804(b)(9) and 22.810.

26. Owners and operators of permitted compost facilities shall post financial assurance in accordance with Regulation 22. The method for furnishing the required amount of Financial Assurance shall be in accordance with Regulation 22.1405.

27. Cost estimates for financial assurance shall be calculated and certified by the professional engineer registered in the state of Arkansas which has been retained to provide design services for the purpose of this permit. The engineer, on behalf of the applicant, shall complete the Cost Estimate Summary Form included within the NOI form or attach a detailed cost estimate to the NOI form. The engineer shall include the maximum proposed amounts of all wastes and recovered materials anticipated to exist on-site during the life of this permit. The engineer shall provide the cost estimate for third-party removal and/or disposal of each item which is reflective of the cost the Department would incur in the event of site abandonment. The estimate shall be multiplied by the factor of one hundred fifty percent (150%) as indicated by Regulation 22.810(c)(2). The form shall be certified by a professional engineer. The specific materials and amounts listed on the approved form or separate detailed estimate shall be considered limiting conditions for the site and are an integral part of this permit.

28. Financial assurance funds may be used by the Department, as determined by the Director, for any reasonable purpose to remediate and mitigate any environmental, health, or safety hazard at the site should the owner or operator be unable or unwilling to fulfill the permit obligations of this general permit.

Part III – Exempt Small Composting Site Notification Form
Permit No. 0000-SCYW

Exempt Small Composting Site Notification Form

Name of Owner/Operator:	
Owner/Operator Mailing Address:	
Contact Name and Phone Number:	
REQUIREMENTS	
Per Regulation 22.801(e)(1) – Facilities are limited to less than 50 tons or 500 yards per year of incoming material for composting.	
Per Regulation 22.801(e)(1)(i) – The process must follow acceptable methods of composting and is developed, operated and maintained in a safe, nuisance free manner.	
Per Regulation 22.801(e)(1)(ii) – The facility shall provide a written notice to the Department describing the facility location, description of the operation and intended end use for the compost prior to commencement of construction.	
OPERATION DESCRIPTION	
Describe facility location, address, county, latitude and longitude, maps may be included:	
List incoming composting materials:	
Provide amount of incoming wastes to be composted per year:	Select: **yards** or **tons**
Describe the method(s) for composting:	
List equipment and typical personnel necessary in the composting operation.	
Estimated time to compost incoming wastes into finished product:	
Maximum wastes and finished material on site at any time:	Select: **yards** or **tons**
List the proposed end use:	
Owner/Operator Signature and Title:	

Submit To: **ADEQ - SWMD Technical Branch**
5301 Northshore Drive
North Little Rock, AR 72118

STATEMENT OF BASIS
YARD WASTE COMPOSTING FACILITY
(TYPE Y COMPOSTING FACILITY)
Permit No. 0000-SCYW

Arkansas Pollution Control and Ecology Commission Regulation 22.801(a) and 22.802(a)(1) require that the Director of ADEQ establish a general permit program for construction and operation of yard waste composting facilities. This rationale document discusses authority, permit procedures and requirements as authorized primarily by APC&EC Regulation 22 but also the Solid Waste Management Act, Ark. Code Ann. §8-6-202 *et seq.*, and other APC&EC Regulations. Certain permit conditions discussed below are either directly referenced or mandated by regulation or they are design or operational limits or permitting choices made by the Director to best fit the general permit program. Explanation for the choices and limitations made in this permitting decision are provided by this rationale document. Facilities are not required to obtain coverage under this particular general permit and may apply for a site-specific individual permit.

Part I – Coverage Under this Permit	
Condition No.	
A	This permit is for coverage of all yard waste composting facilities (Type Y composting facility) within the boundaries of the state of Arkansas. Certain location restrictions will limit individual site locations. This will be reviewed on a case-by-case basis. [22.801(a) and 22.803]
B-1, 3	Facilities which accept *yard waste* or other *Type Y compost material* and which propose to process the material through *composting* as defined in 22.102 are required to be covered by a permit. This permit is eligible to those facilities which limit their operations to eligible materials described by 22.801(b)(1) and meet classification restrictions of 22.802(a)(1). Facilities which do not meet these requirements are not eligible for coverage.
B-2	Under the terms of this permit and the general permit procedures established herein, the Director has the discretion to determine if a site is ineligible for this permit based on the list in the permit section B-2 or any other unforeseen environmental or public health consideration. [22.103(g), 22.801(a)]
B-4	A small facility exemption exists according to 22.801(e)(1); notification requirements apply. Small facilities shall not exceed either 50 tons or 500 cubic yards of incoming compost material per calendar year to maintain the exemption.
B-5	22.801(e)(2), (3), (4)
B-6	Management alternatives to composting yard waste and other green wastes have emerged in recent years which focus on beneficial reuse of materials or energy recovery. Example markets include boiler fuel, mulch, soil stabilization, or other soil amendments. Potential may exist for other uses such as landfill liquid bulking, landfill daily cover, or agricultural uses such animal bedding. Regulation 22, Chapter 10 discusses exemptions from permitting for facilities engaged solely in the business of storage, processing, redistribution of source separated materials. Since yard waste and other Type Y compost material is commonly generated and collected separately from the regular Class 1 waste stream, potential exists for management of the materials at non-composting recovery sites which may be considered an exempt Material Recycling Facility (MRF). MRFs are required to be in conformance with Solid Waste District Rules, must not cause nuisance conditions, and must not threaten human health or the environment. MRFs must be able to demonstrate that materials are sold, used, or reused within one (1) year. [22.1001(b)(1), 22.1002] Facilities classified as Type Y MRFs are encouraged but not required to register with the ADEQ – SWMD Recycling Branch.
C-1, 2 D-1, 2	All information and attachments required by NOI forms are required or facilities will not be considered covered under this permit. Adequate information for certain NOI items may exist in the Solid Waste Division on-line facility files. Proper reference to the correct on-line document ID must be made on the NOI or information may be resubmitted and attached to the NOI in order to properly reference the files to this permit coverage.

Part I – Coverage Under this Permit	
	This permit covers operating facilities after they timely submit a completed NOI on the most recent forms including all necessary attachments. Upon notification by ADEQ for additional information, facilities shall provide the requested information within 60 days or as specified by the notification of deficiency (NOD). New facilities are not covered by this permit until 30-days following submittal of the complete NOI. Nothing shall prevent Department requests and applicant provision of additional information at any time. Failure to provide information on any Department request within 60 days or as specified by the NOD shall be grounds for Department termination of any coverage (whether granted or implied) and this may cause facilities to exist without coverage under permit. Operating without a permit is a violation of A.C.A. §8-6-205. [22.103(g), 22.303(d), 22.801(a)]
C-3	Signatures are required by the facility representative and the representative engineer or the NOI will be considered incomplete and the facility will not be covered under the permit. [22.301]
C-4	[22.301(f)]
C-5	[22.308, 22.309]
C-6	A.C.A 8-1-106
D-3	Water Division permitting is required. This permit in no way authorizes any surface or groundwater discharges until facilities obtain proper coverage under required discharge permits or certifications. Facilities are required to submit necessary applications to ADEQ - Water Division and obtain coverage under required permits. Failure to obtain coverage will be grounds for cancellation of coverage under this permit. [22.807(a)]
D-3	Outdoor composting has operational aspects and liquid management practices which in many cases result in discharges of process water mixed with stormwater. Stormwater permit coverage has been the historic requirement for Type Y compost facility discharges consistent with 22.806 and rationalized by the limited waste stream and narrowed scope of the potential impacts to receiving streams. Potential does exist for contaminated stormwater impacts to receiving streams, but this is highly dependent on many site-specific factors such as waste stream, site design, operational practices, compliance with applicable permits, or adherence to accepted best management practices for site operations or stormwater control. Industry, university, and EPA publications indicate certain effluent characteristics which may be contaminants of potential concern including Nitrates + Nitrite Nitrogen, Ammonia, and Phenols. The current ADEQ Stormwater Industrial General Permit (ARR000000) contains benchmark standards for these parameters and it is recommended that ADEQ and larger facilities investigate potential for impact. In the future, data may show some or other contaminants should be added to the monitoring protocol currently designated for Type Y facilities.
E-1, 2	[22.804(b)(9), 22.810]
E-3	[22.103(g), 22.303(d), 22.801(a)]

Part II – Permit Conditions	
Condition No.	**Conditions**
1	This condition references the general applicability of Regulation 22 and the Solid Waste Management Act. Any updates to Regulation 22 or and other regulations or statutes affecting this permit shall cause the facility to update the NOI forms and attachments to properly address new requirements.
2	Annual fees are required per Regulation 9. The annual fee for this general permit is $450 per year at the time of issuance of this permit. Failure to pay fees in a timely manner will be cause for permit revocation. [Regulation 9, Chapter 6: Solid Waste Permit Fees, 22.309(e)]
3	See Regulation 8, Administrative Procedures, Water and Air Pollution Control Act A.C.A. §8-4-101 et seq., and Solid Waste Management Act A.C.A. §8-6-201 et seq. for the Department duties, authority and obligations as the permitting authority.
4	[22.1501]
5	[22.803]
6	[22.805(a)(1)]
7	[22.805(a)(2)]
8	[22.804(b), 22.805(b), 22.808(a)] These sections of Regulation 22 require facilities to maintain a record of

Part II – Permit Conditions	
	incoming materials, therefore a method for determining the material volume is necessary. This was a requirement contained in the previous general permit.
9	[22.805(b)] This section of Regulation 22 requires operating plans to consider necessary contingencies for site specific methods of operations. The condition and subsections of the condition are requirements contained in the previous general permit.
10	[22.805(a)(3)]
11	[22.804(b), 22.805(b), 22.808(a)]
12	[22.301(f), 22.303(d), 22.804(b)(8 sic.), 22.805(b), 22.806]
13	[22.301(f), 22.303(d), 22.804(b), 22.806(a)]
14	[22.806(a)(2)]
15	[22.806(a)(3)]
16	[22.805(a)(3), 22.806(a)(4)]
17	Facilities are required to maintain a composting pad surface to accommodate heavy equipment and likewise rationale exists to require adequate roads into the compost areas to facilitate expected truck traffic. This will prevent operational problems such as dumping in unauthorized locations during inclimate weather or safety hazards onsite. This was a requirement of the previous permit revisions. [22.806(a)(1 &2)]
18	[22.806(a)(4)]
19	[22.806(a)(5)]
20	[22.806(a)(6)]
21	[22.804(b)(8 sic.), 22.806(a)(3), 22.807(a)]
22	[22.807(a)]
23	[22.808(a)]
24	[22.804(b)(9), 22.810]
25	[22.804(b)(9), 22.810]
26	[22.810, 22.1401, 22.1402, 22.1405]
27	[22.301(f), 22.810]
28	[22.810(d)]

Part III – Exempt Small Compost Site Notification Form
22.801(e)(1)

This document was prepared by SWMD - Technical Branch Staff. On July 16, 2012, a stakeholder meeting was held for discussion of the permit and conditions and for solicitation of informal preliminary comments from facility representatives, local consultants, and other stakeholders who may be affected. Meeting notes and one email summary of comments were considered. A summary of the stakeholder meeting may be obtained from the ADEQ –SWMD through the contact information below or by calling (501) 682-0587. Formal 30-day public notice and draft permit comment period was advertised in the Arkansas Democrat-Gazette on August 10, 2012. No formal comments were received. Copies preliminary drafts, drafts, meeting notes or other information related to development of this permit are available by calling the SWMD - Technical Branch Staff at the phone number above or the following addresses:

leamons@adeq.state.ar.us

or

ADEQ – SWMD
Attn: Bryan Leamons
5301 Northshore Drive
North Little Rock, AR 72118

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ECONOMIC IMPACT - ENVIRONMENTAL BENEFIT
YARD WASTE COMPOSTING FACILITY
(TYPE Y COMPOSTING FACILITY)
Permit No. 0000-SCYW

The new requirement of Act 731 of the 88th General Assembly, 2011, requires the Department to consider economic impact and environmental benefit. The new requirements are codified in Ark. Code Ann. §8-4-203(m) as follows:

8-6-203(m)	Requirement
(3)(A)(i)	Before the submittal to public comment of a general permit that has not been previously issued, the department shall consider the economic impact and environmental benefit of the general permit and its terms and conditions upon the people of the State of Arkansas, including those entities that may apply for coverage under the general permit.
(3)(A)(ii)	This requirement does not apply to general permits or terms or conditions that adopt the language of state or federal statutes or regulations without substantive change.
(3)(B)	If the terms and conditions of a previously issued general permit are revised upon renewal, the economic impact and environmental benefit of only the proposed changes shall be considered.
(3)(C)	A general permit for which costs are specifically prohibited from being considered by state or federal law or regulation is exempt from the requirements of this subsection.
(3)(D)	The department may rely upon readily available information for its consideration of the economic impact and environmental benefit of the general permit and its terms and conditions.

Following is a discussion of applicability of the new general permitting requirement to this permit decision:

8-6-203(m)	Applicability
(3)(A)(i)	The Yard Waste Composting Facility General Permit has been previously issued and has been in existence since 1995.
(3)(A)(ii)	The language contained in the specific condition is derived directly from Regulation 22 or is a specific requirement of Regulation 22. See the Statement of Basis document for specific references.
(3)(B)	The terms and intent of the general permit have not changed materially from past revisions. Much of the permit has been re-written for clarification. Key points of clarification are discussed in the table below.
(3)(C)	N/A
(3)(D)	N/A

Following is a discussion of the major clarification updates in this permit decision:

Substantial Language Changes and Clarifications	
Part I	
Section	Clarifications
B-4	This paragraph contains new discussion of a required form for exempt small composting site notification. This is not a new requirement but the form is new. Notification has always been required by 22.801(e)(1)
B-5	This contains discussion of the exemptions provided by 22.801(e)(2), (3), and (4).
B-6	This contains additional exemptions for facilities that qualify as a MRF.
C	This section is reformatted and reworded for clarity. The NOI process has always been a part or the general permit process. The requirement and the NOI form are updated in this permit action. They continue to seek the information and document the application requirements necessary to fulfill Regulation 22, Chapter 8.
D-1, 2	Reasonable deadlines for submittal and deficiency responses were selected to allow applicant to arrange with consulting engineers for the preparation and submittal of documentation.
D-3	This new discussion item is the reference to the Water Division permitting requirement of the Stormwater Industrial General Permit (IGP) or other permit for stormwater discharges.

Part II	
Condition	**Clarifications**
7	The revised condition includes discussions of what acceptable methods of composting would include. This was previously not provided in the regulation or past general permits. Operation must follow the terms of the approved operating plan which is not a new requirement.
11	This condition was expanded to include the specific list of recordkeeping required by regulation.
12	This expanded condition clarifies the need to include all operational aspects of the site in the operating plan, e.g. wood debris grinding and storage.
21, 22	This expanded condition discusses the requirement to obtain and follow stormwater permits, SWPPPs, and BMPs. These are not new requirements of water division but many sites do not currently have coverage under the stormwater IGP.
26, 27	These expanded requirements from the past permit seek to clarify how closure cost estimates are developed and financial assurance requirements are to be met. Past general permits included a Department specified cost estimate of $25,000. There was no calculation provided in the past general permit, so it is unclear if that amount is adequate for closure at each facility. This permit revision follows the requirement of 22.1402 which states that the owner or operator shall provide the cost estimate and provide the financial assurance in an acceptable mechanism. Pursuant to 22.301(f), ADEQ is requiring professional engineers to assist facilities in development of the facility plans and associated cost estimate. This may be a new procedure for the general permit but it is intended to obtain the regulatory required submittals. It is the same requirement which will be necessary if the facility opts to obtain an individual permit.
Part III	
Exempt Small Composting Site Notification Form	
This form is added in order to gather the information required by 22.801(e)(1) and to assure that facilities do not trigger permitting requirement of this or other permits. Information may also be used to determine if these facilities need to be covered by stormwater permitting.	

This document was prepared by SWMD - Technical Branch Staff. On July 16, 2012, a stakeholder meeting was held for discussion of the permit and conditions and for solicitation of informal preliminary comments from facility representatives, local consultants, and other stakeholders who may be affected. Meeting notes and one email summary of comments were considered. A summary of the stakeholder meeting may be obtained from the ADEQ –SWMD through the contact information below or by calling (501) 682-0587. Formal 30-day public notice and draft permit comment period was advertised in the Arkansas Democrat-Gazette on August 10, 2012. No formal comments were received. Copies preliminary drafts, drafts, meeting notes or other information related to development of this permit are available by calling the SWMD - Technical Branch Staff at the phone number above or the following addresses:

leamons@adeq.state.ar.us

or

ADEQ -SWMD
Attn: Bryan Leamons
5301 Northshore Drive
North Little Rock, AR 72118

***

Arkansas Department of Environmental Quality
Solid Waste Management Division
5301 Northshore Drive
North Little Rock, AR 72118
(501) 682-0587

NOTICE OF INTENT (NOI)
FOR COVERAGE UNDER THE GENERAL PERMIT
FOR THE CONSTRUCTION AND OPERATION OF

YARD WASTE COMPOSTING FACILITY (TYPE Y)
0000-SCYW

1. Legal Name of Applicant:	2. Name of Facility:
3. Applicant Legal Address (Mailing Address):	4. Facility Physical Location (Site Address):
5. Applicant City, State, Zip:	6. Facility City, State, Zip, County:
7. Applicant Telephone Number:	8. Facility Telephone Number:
9. Responsible Official:	10. Facility Contact Person:
11. Title of Responsible Official:	12. Facility Latitude and Longitude:
13. Responsible Official Telephone:	14. Facility Section/Township/Range:

15. Classification - Check box if applicable [see 22.804(b)(1)]

0000-SCYW > 50 tons or 500 cu yds annually ☐

Small facilities < 50 tons or 500 cu yds annually ☐ Stop.

Small facilities fill out the "Small Composting Site Notification Form" located in Part III of 0000-SCYW

16. Has the facility notified the appropriate Regional Solid Waste Management District? [see 22.803(c)]

☐ Yes – Attach

☐ No – Explain _____

17. Is the site currently permitted by the Department as a Solid Waste Yard Waste Compost Facility?

☐ Yes - Permit Number :_____

☐ No

Other ADEQ permits? Stormwater permitting is required.

☐ Yes - Permit Number(s) :_____

☐ No - Explain: _____

18. Location Restrictions and Siting Requirements Demonstration [see 22.803]

Does the applicant own or control the site?	☐ Yes ☐ No
Is the applicant responsible for facility operation and maintenance?	☐ Yes ☐ No
Is site located in the 100-year flood plain?	☐ Yes ☐ No
Is site designed and operated to not restrict flow of base flood, reduce water storage capacity of flood plain, or result in washout of solid waste?	☐ Yes ☐ No
Is the site located in a jurisdictional wetland?	☐ Yes ☐ No
Has site obtained all necessary geographic site approval from government(s) of jurisdiction?	☐ Yes ☐ No
Was the facility in existence prior to May 7, 1995?	☐ Yes ☐ No
Are site active areas located within 50 feet of property boundary?	☐ Yes ☐ No
Are site active areas located within 100 feet of a naturally occurring water body?	☐ Yes ☐ No
Are site active areas located within 200 feet of an existing residence, place of business, or drinking water supply not owned or leased by the applicant.	☐ Yes ☐ No

19. Additional Requirements

Site and ½ mile surrounding land use, zoning, and existing features map [see 22.804(b)(3)]	☐Attached or SWMD Reference ID_____
Map depicting wetlands and floodplains[see 22.804(b)(4)]	☐Attached or SWMD Reference ID_____
Site Plan [see 22.804(b)(5)]	☐Attached or SWMD Reference ID_____
Operating Narrative [see 22.804(b)(8)(i) and conform to 22.805]	☐Attached or SWMD Reference ID_____
Closure Plan [see 22.804(b)(9)]	☐Attached or SWMD Reference ID_____
Does the facility have design plans and operating specs [see 22.806]?	☐ Yes ☐ No

20. Describe all waste or recovered material or otherwise all material accepted at the site? Include all material whether processed by composting or simply processed and stored for re-distribution or re-use.

_____

_____

_____

Are any industrial wastes or special materials proposed for acceptance? See Regulation 22.102 - Definitions.

☐ Yes – Explain

_____

☐ No industrial or special material.

21. Permit Fees - for existing facilities the current annual billing cycle will remain unchanged and there are no additional fees. Simply continue paying the $450 annual fee when it is billed by ADEQ.

New Facility – ☐ $900 initial fee is attached ☐ existing

All facilities – Are all ADEQ invoices paid to date (for all permits or licenses)?

☐ Yes

☐ No, explain_____

22. Financial Assurance (FA) Requirement [22.810(c)]

Has a detailed closure cost estimate been completed? [22.810(b)] ☐ Yes ☐ No

Does the closure cost estimate include the maximum permitted amount of waste and compost ever stored onsite at one time? ☐ Yes ☐ No

Discuss basis for cost estimates, loading, hauling, disposal, other clean-up, or other removal of items or materials:

_____

_____

_____

_____

_____

_____

_____

_____

Cost Estimate Summary Form

[Alternate to a detailed closure cost estimate - complete line items below or attach detailed cost estimate certified by the Professional Engineer retained for this submittal]:

Description	**Quantity (max. permitted tons)**	**Third-Party Closure Cost (transportation and disposal at Class 1 landfill or alternate means of disposal or outlet for re-use available to a third-party)**
Yard waste stored onsite	= _____	$ _____
Yard waste in composting process (incl. production and curing amounts)	= _____	$ _____
Stored finished compost onsite	= _____	$ _____
Unprocessed wood waste stored onsite	= _____	$ _____
Processed wood waste stored onsite	= _____	$ _____
Non-compostable material for recycling	= _____	$ _____
Non-compostable waste residual materials for disposal	= _____	$ _____
Other – Explain _____ _____ (attach supplement documentation, if needed)	= _____	$ _____
Other – Explain _____ _____ (attach supplement documentation, if needed)	= _____	$ _____
Other – Explain _____ _____ (attach supplement documentation, if needed)	= _____	$ _____
Other – Explain _____ _____ (attach supplement documentation, if needed)	= _____	$ _____
Other – Explain _____ _____ (attach supplement documentation, if needed)	= _____	$ _____
TOTAL		$ _____

Note: FA must be in a mechanism allowed by 22.1405. Financial Assurance is waived for State and Federal facilities only. Generally, no other waivers will be allowed without extensive and acceptable rationale which demonstrates an alternative means for coverage should the owner or operator become financially incapacitated. Previous waivers are not valid under this permit revision.

23. Disclosure Statement

In accordance with Ark. Code Ann. §8-1-106, a disclosure statement is required to be maintained on forms provided by ADEQ. Exemption to this requirement exists for federal, state, municipal, county, or solid waste management district-owned sites. The exemption does not extend to improvement district or other extensions of government that are not instituted by an act of the General Assembly. Publicly held companies which file reports under the Securities Exchange Act are not required to file ADEQ disclosure forms but they must submit the most recent report which provides information regarding the legal proceedings of the applicant.

ADEQ Disclosure/SEC report Attached ☐

Exempt Federal, State, City, County, or RSWMD ☐

Other ☐ explain_____

Certification

To the best of my knowledge and belief, I certify the information provided in this Notice of Intent is true and accurate:

APPLICANT [22.301(h)]

Signature	Name and Title	Date

ENGINEER [22.301(i)]

Signature and Seal	Name and Title	Date