REGULAR COMMISSION MEETING
Friday, December 4, 2026, | 10:00 a.m.
Commission Room
AGENDA
(Item #01)

I. Call Meeting to Order

II. Roll Call

III. Approval of October 23, 2026, Commission Meeting Minutes ***(Item #02)***

IV. Chief Administrator Report
Bailey Taylor, Chief Administrator of Environment

V. Public Comments

VI. Petition to Initiate Rulemaking for 8 CAR pt. 28 **APPENDIX I**
- Basil Hicks for Division of Environmental Quality **(Item #03-10)**
- Docket No. 26-001-R
- Minute Order (Initiate)

VII. Administrative Law Judge
A. Recommended Decision
1. Fairview Solar Project, LLC; **APPENDIX II**
- **Docket No. 26-002-P** **(Items #11-12)**
- **Order No. 4 (Recommended Decision)**
- **Minute Order (Adopt)**

VIII. Adjourn

REGULAR COMMISSION MEETING
10:00 a.m., Friday, October 23, 2026
Commission Room

Arkansas Division of Energy and Environment
5301 Northshore Drive
North Little Rock, Arkansas

Commissioners Attending: B. Batten, R. McMullen, T. McWilliams, A. Eckert and M. Ford (for W. Ward via A.C.A. 8-4-104 designee)

Commissioners Absent: None.

Call to Order
Chair McWilliams called the meeting to order at 10:00 a.m.

Quorum
The Commission Secretary called roll and announced that a quorum was present.

Approval of Minutes
Chair McWilliams asked for a motion approving September 26, 2026, meeting minutes. Commissioner Eckert made a motion to approve the minutes, and Commissioner McMullen seconded the motion. The minutes were approved.

Chief Administrator Report
Chief Administrator Bailey Taylor reported that the Environmental Protection Agency (EPA) announced the repeal of the 2024 Carbon Pollution Standards, and she stated that the budget meetings last month were a success.

Public Comment
Kenneth Lovett
Mr. Lovett of Prairie Grove discussed vapors in Tontitown. He argued that the Tontitown citizens' packet addresses water samples, air samples, and agency responses. He asked DEQ and the Commission to address the results of those samples and the lack of enforcement actions.

Used Tire Program UTP-1, UTP-2, and UTP-3
Ms. Bailey Taylor reported that revised business plan was submitted to DEQ regarding three used tire districts because of the passage of Act 169 of the 2026 Fiscal Session. DEQ has reviewed the ePortal submission for UTP-1, UTP-2 and UTP-3 and determined that each revision request is consistent with Act 169 of the 2026 Fiscal Session and 8 CAR § 64-302 and 8 CAR § 64-303.

Ms. Bailey requested that the Commission approve UTP-1's, UTP-2's and UTP-3's revised business plans and a reimbursement rate of $2.31 per tire.

Commissioners asked questions. Discussion followed.

Commissioner Eckert made a motion to accept the recommendation and approve the UTPs revised business plans. Commissioner McMullen seconded the motion. The motion passed. **(Minute Order No. 26-10)**

Fairview Solar Project, LLC; Docket No. 26-002-P – Petitioner's Request for Stay
Mr. Basil Hicks, representing the Division of Environmental Quality (DEQ), announced that Petitioner Christen Lane sent an email asking for a 1-hour continuance on her Request for Stay in the Fairview Solar Project appeal due to vehicle issues. Shortly thereafter, Petitioner sent a second email amending her first request and asked for a 2-hour continuance. The Commissioners determined that they could not delay a decision on Ms. Lane's Request for Stay and moved forward with a decision.

Commissioners asked questions, and discussion followed.

Commissioner Eckert made a motion to deny the Motion for Stay. Commissioner Ford seconded the motion. The motion passed. **(Minute Order No. 26-11)**

Adjourn
There was no other business to come before the Commission. Chair McWilliams adjourned the meeting.

26-10 The Commission voted to approve a Minute Order approving UTP-1's, UTP-2's, and UTP-3's revised business plan with a reimbursement rate of $2.31 per tire.

26-11 The Commission voted to approve a Minute Order denying the Petition for Stay for Fairview Solar Project, LLC, Docket No. 26-002-P.

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

IN THE MATTER OF PC&EC	)	
8 CAR pt. 28: "RULES FOR LAND	)	
APPLICATION OF WASTE AND	)	
WASTE STORAGE"	)	**DOCKET NO. 26-002-R**

PETITION TO INITIATE RULEMAKING TO APPROVE PROMULGATION OF 8 CAR pt. 28, "RULES FOR LAND APPLICATION OF WASTE AND WASTE STORAGE"

Comes now, the Department of Energy and Environment, Division of Environmental Quality ("DEQ"), by and through Basil V. Hicks III, attorney for the Department of Energy and Environment, and for its Petition to Initiate Rulemaking to Approve Promulgation of 8 CAR pt. 28, "Rules for Land Application of Waste and Waste Storage," states:

1. DEQ proposes this rulemaking to approve the promulgation of 8 CAR pt. 28, "Rules for Land Application of Waste and Waste Storage," as is authorized generally in Ark. Code Ann. § 8-1-203(b)(1)(A) and specifically in Act 1009 of 2025.

2. DEQ proposes to initiate this rulemaking so that the Arkansas Pollution Control and Ecology Commission ("Commission") can promulgate this rule, which will establish the following provisions of the rule to comply with Act 1009 of 2025:

a. Subpart 1, 8 CAR § 28-101-103, includes general provisions and definitions necessary for interpreting and applying the rule;

b. Subpart 2, 8 CAR § 28-201-209, provides permit procedures for all land application permits for waste products covered by the rule;

c. Subpart 3, 8 CAR § 28-301-306, provides special permit requirements for land application of industrial wastes;

d. Subpart 4, 8 CAR § 28-401-408, provides special permit requirements for land application of certain defined biosolids and wastewater sludges;

e. Subpart 5, 8 CAR § 28-501-505, provides special permit requirements for land application of treated domestic wastewater effluent;

f. Subpart 6, 8 CAR § 28-601-608, provides permit requirements for temporary or permanent storage of waste that is authorized for land application;

g. Subpart 7, 8 CAR § 28-701-707, provides permit requirements for land application of water treatment residuals;

h. Subpart 8, 8 CAR § 28-801-812, provides rules and procedures regarding penalties for violations of permit terms and regarding revocation of permits; and

i. Subpart 9, 8 CAR § 28-901-902, provides general rules regarding severability and the effective date of the rule.

3. Basil V. Hicks III, attorney for the Department of Energy and Environment, will be available to answer questions concerning this proposed rulemaking.

4. The following exhibits to this petition are hereby incorporated by reference:

a. Exhibit A: Mark-up draft of the proposed new rule;

b. Exhibit B: Governor's approval;

c. Exhibit C: Legislative Questionnaire;

d. Exhibit D: Financial Impact Statement;

e. Exhibit E: Economic Impact/Environmental Benefit Analysis (EI/EBA); and

f. Exhibit F: Proposed Minute Order.

WHEREFORE, DEQ requests that the Commission initiate the rulemaking process, adopt the proposed Minute Order, and initiate rulemaking to promulgate 8 CAR pt. 28, "Rules for Land Application of Waste and Waste Storage."

Respectfully Submitted,

By: _____

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PROPOSED PROMULGATION OF 8 CAR pt. 28: "RULES FOR LAND APPLICATION OF WASTE AND WASTE STORAGE."

May 2026

PURPOSE AND AUTHORITY

The Department of Energy and Environment and the Division of Environmental Quality ("DEQ") propose this rulemaking regarding the promulgation of 8 CAR pt. 28, "Rules for Land Application of Waste and Waste Storage." This rulemaking is necessary to promulgate a new rule to fulfill the requirements set forth in Act 1009 of 2025. The Arkansas Pollution Control and Ecology Commission ("Commission") has general rulemaking authority through Ark. Code Ann. § 8-1-203(b)(1)(A), and specific authority to promulgate this rule through Act 1009 of 2025.

BACKGROUND

The new rule is promulgated as required by Act 1009 of 2025. The act amended Arkansas Code Section 8-4-103 to allow DEQ the authority to assess the maximum penalty under that statute for "over-application or precipitation related surface land application" of industrial wastewater residuals. The act defines "surface land application" as "the spraying, spreading, or incorporating of waste into or onto the land, excluding injection of waste into the land." The act further required that the Arkansas Pollution Control and Ecology Commission "shall begin the process to promulgate a rule to authorize no-discharge land application permits of industrial waste."

THE PROPOSED RULE

The proposed rulemaking establishes 8 CAR pt. 28, "Rules for Land Application of Waste and Waste Storage," to conform to new requirements in Act 1009 of 2025. The rule clarifies the law regarding the necessity of a permit from DEQ for the land application of waste. The rule describes the requirements to apply to obtain a permit and the conditions which must be satisfied for the permit to be issued. The rule further describes how DEQ will monitor compliance with the permit if it is issued. The rule describes necessary record keeping and training requirements for the permittee. The rule further describes permit requirements for the land application of certain industrial waste products, biosolids and wastewater sludges, treated domestic wastewater effluent, and water treatment residuals. The rule defines necessary requirements for application and monitoring for these types of disposals. The rule also defines the requirements for permitted temporary and permanent waste storage, including the requirements for closure of any waste storage facility. The rule also describes the penalties for violations of all permits, and for the revocation of a permit for defined violations.

NECESSITY OF THE NEW RULE

The promulgation of 8 CAR pt. 28: “Rules for Land Application of Waste and Waste Storage” is necessary to comply with the legislative mandate in Act 1009 of 2025. The rule will standardize and clarify the current permitting requirements for land application of waste and associated waste storage activities. The difference between current permitting requirements and this proposed rule will be negligible.

Exhibit A, Mark-up Draft

Proposed Rulemaking

Rules for Land Application of Waste and Waste Storage~~Title~~

Promulgated by: Arkansas Pollution Control and Ecology Commission, Department of Energy and Environment

Title 8. Environmental Law

Chapter I. Arkansas Pollution Control and Ecology Commission, Department of Energy and Environment

Subchapter C. Water Quality

Part 28. Rules for Land Application of Waste and Waste Storage

Subpart 1. General Provisions

8 CAR § 28-101. Title, implementation, and administration.

(a) This part shall be known and may be cited as the "Rules for Land Application of Waste and Waste Storage".

(b) On the effective date of this part, and thereafter, the division shall implement and administer the Land Application and Waste Storage Program in accordance with this part.

8 CAR § 28-102. Purpose.

(a) The purpose of this part is to establish permitting requirements for land application and waste storage for:

(1) Industrial waste;

(2) Biosolids;

(3) Treated effluent; and

(4) Water treatment residuals.

(b) The purpose of this part is to protect public health and the environment through:

(1) requirements intended to prevent point source pollution to waters of the state; and

(2) requirements to minimize the impact of nonpoint source pollution on waters of the state from activities related to land application and waste storage.

8 CAR § 28-103. Definitions.

As used in this part:

(1) "Act" means the Arkansas Water and Air Pollution Control Act (Arkansas Code § 8-4-101 et seq.);

(2) "Annual pollutant loading rate" means the maximum amount of a pollutant (dry-weight basis) that can be applied to a unit area of land during a 365-day period;

(3) "Annual or yearly" means a fixed calendar year or any portion of the fixed calendar year for a waste characteristic or parameter with a measurement frequency of once/year;

(4) "Application site or land application site" means each contiguous area that is permitted for land application of waste, including the area delineated as buffer zones;

(5) "Available acreage" means total acreage in each permitted application site, excluding buffer zones, where land application may occur;

(6) "Biosolids" means municipal sewage sludge that has been treated to meet regulatory requirements;

(7) "Buffer zones" means areas within a land application site where land application of waste is prohibited, including without limitation:

(A) The required measured distance from the ordinary high-water mark of streams, ponds, and lakes; and

(B) The required measured distance from property line, occupied building, or other specified delineation;

(8) "Calendar year" means January through December, or any portion thereof;

(9) "Cumulative pollutant loading rate" means the maximum amount of an inorganic pollutant (dry-weight basis) that may be applied to a unit area of land;

(10) "Department" means the Department of Energy and Environment;

(11) "Director" means the Director of the Division of Environmental Quality;

(12) "Division" means the Division of Environmental Quality;

(13) "Double cropping" means an agricultural production method where two different crops are grown and harvested in the same field within a single year or growing season.

(14) "Dry weight-basis" means calculated on the basis of having been dried at 105 degrees Celsius until reaching a constant mass (i.e., essentially 100 percent solids content), as defined in 40 C.F.R. § 503.9(h);

(15) "Field" or "land application field" means each contiguous area of available acreage within a land application site that is permitted for land application of waste;

(16) "Floodplain" means the lowland and relatively flat areas adjoining waterbodies, which are inundated by a flood that has a one percent (1%) or greater chance of recurring in any year or a flood of magnitude equal to or exceeded once in one hundred (100) years on the average over a significantly long period;

(17) "Industrial Waste" means any liquid, gaseous, or solid waste substance resulting from any process of:

(A) Industry;

(B) Mining;

(C) Manufacturing;

(D) Trade; or

(E) Business; or

(F) From the development of any natural resources;

(18) "Land application" means the use of waste to either condition the soil or fertilize crops or vegetation grown in the soil by:

(A) Spraying or spreading waste onto the land surface;

(B) Injecting waste below the land surface; or

(C) Incorporating waste into the land;

(19) "Land application event" means an event where the permittee land applies waste to a specific permitted land application site on a calendar day;

(20) "Load" means the volume of waste that can be transported by one (1) transport vehicle;

(21) "mg/kg" means milligram per kilogram;

(22) "mg/L" means milligram per liter;

(23) "MG" means million gallons;

(24) "NH_3-N" means Ammonia Nitrogen;

(25) "NO_3 + NO_2" means Nitrate + Nitrite Nitrogen;

(26) "Nutrient surplus area" means a geographic area, declared by Arkansas Code § 15-20-1104 and described more specifically in Subtitle II of Arkansas Natural Resource Commission Title 22, which has been determined to be an area in which the soil concentration of one or more nutrient is so high or the physical characteristics of the soil or area is such that continued application of the nutrient to the soil could negatively impact soil fertility and the waters within the state

(27) "Ordinary high-water mark" means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas;

(28) "OWQ" means the Division of Environmental Quality - Office of Water Quality;

(29) "PAN" means Plant Available Nitrogen;

(30) "Pathogen" means an organism that is capable of producing an infection or disease in a susceptible host;

(31) "Commission" means the Arkansas Pollution Control and Ecology Commission;

(32) "Permanent storage" means storage that is not defined as temporary storage in this part and requires construction of a structure to hold wastes;

(33) "Pollution" means such contamination or other alteration of the physical, chemical, or biological properties of any waters of the state, or such discharge of any liquid, gaseous, or solid substance in any waters of the state as will, or is likely to, render the waters harmful, detrimental, or injurious to public health, safety, or welfare, to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish, or other aquatic life;

(34) "Pollutant limit" means:

(A) A numerical value that describes the maximum amount of a pollutant allowed per unit amount of waste (e.g., milligrams per kilogram of total solids);

(B) The maximum amount of a pollutant that can be applied to a unit area of land (e.g., pounds per acre);

(C) The maximum density of a microorganism per unit amount of waste (e.g., Most Probable Number per gram of total solids);

(D) The maximum volume of a material that can be applied to a unit area of land (e.g., gallons per acre); or

(E) The maximum amount of pollutant allowed in plant tissue (e.g., parts per million);

(35) "Phosphorus index" means a tool used to assess the potential for phosphorus (P) to move from land application sites to waters of the state;

(36) "Potable water" means water that meets national drinking water standards making it safe for consumption;

(37) "Permittee" means any person who has the primary management and ultimate decision-making responsibility over the operation of a facility or activity and is responsible for ensuring compliance with all applicable environmental regulations and conditions;

(38) "Person" means any state agency, municipality, governmental subdivision of the state or the United States, public or private corporation, individual, partnership, association, or other entity;

(39) "Quarterly" means:

(A)(i) A fixed calendar quarter or any part of the fixed calendar quarter for a non-seasonal effluent characteristic with a measurement frequency of once/quarter.

(ii) Fixed calendar quarters are January through March, April through June, July through September, and October through December; or

(B)(i) A fixed three (3) month period (or any part of the fixed three (3) month period) of or dependent upon the seasons specified in the permit for a seasonal effluent characteristic with a monitoring requirement frequency of once/quarter that does not coincide with the fixed calendar quarter.

(ii) Seasonal calendar quarters May through July, August through October, November through January, and February through April;

(40) "Reasonably anticipated" means a greater than a fifty percent (50%) chance of precipitation of one-quarter (0.25) inches or more on the zone area forecast for the county that represents the land application site using the National Weather Service station website: www.weather.gov;

(41) "Runoff" means rainwater, leachate, or other liquid that drains overland on any part of a land surface and runs off of the land surface;

(42) "s.u." means standard units;

(43) "Semi-annual" means the fixed time periods January through June, and July through December, or any portion thereof for an effluent characteristic with a measurement frequency of once/six (6) months or twice/year;

(44) "Sewage sludge" means any solid, semisolid, or liquid residue that is

(A) Removed during the treatment of municipal wastewater or domestic sewage, as defined in 40 C.F.R. § 122.2; or

(B) Generated during the treatment of domestic sewage in a treatment works.

(C) Sewage sludge includes, but is not limited to, domestic septage; scum or solids removed during primary, secondary, or advanced wastewater treatment processes; and a material derived from sewage sludge, as defined in 40 C.F.R § 503.9(w);

(45) "Subsurface application" means injection of waste below the surface of the land not to exceed eight (8) inches below the surface and with minimal disturbance to the surface soil;

(46) "Surface application" means the spraying or spreading of waste onto the surface of the land, including surface application with incorporation;

(47) "Surface application with incorporation" means the spraying or spreading of waste onto the surface of the land followed by turning the soil by discing, tilling, plowing, or other method;

(48) "TKN" means Total Kjeldahl Nitrogen;

(49) "Temporary storage" means:

(A) The onsite containment of waste at the application site that does not exceed thirty (30) days; and

(B) The volume of waste stored does not exceed what can be land applied at that application site in accordance with the permit;

(50) "Total acreage" means the total acreage of a permitted application site, including the areas of the buffer zones;

(51) "Total maximum daily load or TMDL" means the calculation of the maximum amount of a pollutant allowed to enter a waterbody so that the waterbody will meet and continue to meet water quality standards for that particular pollutant;

(52) "Total solids" means the materials in the waste that remains as residue if the waste is dried at 103 to 105 degrees Celsius;

(53) "Treated effluent" means liquid waste, such as sewage or industrial wastewater, that has been processed through a treatment plant to remove pollutants;

(54) "Vector attraction" means the characteristic of waste that attracts rodents, flies, mosquitoes or other organisms capable of transporting infectious agents;

(55) "Visual sheen" means a presence of a film or sheen or a discoloration of the surface of the sample fluids;

(56) "Volatile solids" means the amount of the total solids in waste lost when the waste is-combusted at 550 degrees Celsius for 15-20 minutes in the presence of excess air;

(57) "Water of the state" means all streams, lakes, marshes, ponds, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through, or border upon this state or any portion of the state;

(58) "Water table" means the surface between the zone of saturation and the zone of aeration and the surface of a body of unconfined groundwater at which the pressure is equal to that of the atmosphere;

(59) "Water treatment residuals ~~or~~ (WTR)" means waste products generated during the purification of drinking or industrial water;

(60) "Waste Management Plan (WMP)" means a comprehensive document that includes the loading rates and an outline of the land application operation, management, and maintenance procedures.

Subpart 2. Permit Procedures

8 CAR § 28-201. Permit required.

(a) No person shall land apply any waste without first obtaining a permit from the Division of Environmental Quality;

(b) ~~When appropriate, a~~The Division~~DEQ~~ may require the applicant provide ~~A~~a construction certification by a professional engineer licensed in Arkansas ~~may be required~~ before commencement of operation of facilities, including without limitation storage facilities, treatment facilities, or other facilities with applicable design plans specification requirements like those found in 10 States Standards (published by the Great Lakes-Upper Mississippi Board of State Sanitary Engineers); and

(c) Nothing in this part shall be construed as a limitation on the use of recovered material or beneficial fill as provided by 8 CAR pt. 60.

8 CAR § 28-202. General technical requirements and specifications.

(a) Waste management plans and any applicable design plans specifications, and calculations shall be in accordance with this part and the following technical publications:

(1) 40 C.F.R. Part 503, as amended;

(2) 40 C.F.R. Part 257, as amended;

(3) The latest edition of the Recommended Standards for Wastewater Facilities, known as 10 States Standards (published by the Great Lakes-Upper Mississippi Board of State Sanitary Engineers); and

(4) Wastewater Engineering, Treatment and Reuse (Metcalf & Eddy); and

(5) Other technical publications or guidance may be adapted on a case-by-case basis when determined to be appropriate for protection of human health and the environment and to ensure land application activities will not result in adverse impacts to the air or waters of the state.

(b) Construction certification by a professional engineer licensed in Arkansas may be required before commencement of operation of facilities, including without limitation storage facilities, treatment facilities, or other facilities with applicable design plans specification requirements like those found in 10 States Standards (published by the Great Lakes-Upper Mississippi Board of State Sanitary Engineers), as determined by the Office of Water Quality.

8 CAR § 28-203. Permit application requirements.

(a) Any person seeking to land apply any type of waste allowed by this part shall submit a permit application with the following information:

(1) Application form, in the form and manner prescribed by the Division of Environmental Quality.

(2) Disclosure statement in accordance with 8 CAR § 11-204(b).

(3)(A) Waste management plan (WMP) for application sites that are not within the nutrient surplus area that:

(i) Is prepared and certified by an Arkansas licensed professional engineer;

(ii) Is a comprehensive document that includes the loading rates for each land application site and an outline of the land application operation, management, and maintenance procedures; and

(iii) Meets additional applicable requirements set forth in this part.

(B) Nutrient management plan (NMP) for application sites located in the nutrient surplus area that:

(i) Includes the information set forth in Arkansas Code § 15-20-1107(b);

(ii) Is prepared and certified by an Arkansas licensed professional engineer;

(iii) Includes loading rate limits for:

(a)(1) Phosphorus and

(2) Water soluble phosphorus; and

(b) Nitrogen; and

(iv) Meets additional applicable requirements set forth in this part.

(4)(A) Identification of each waste stream including:

(i) Type of waste;

(ii) Source of waste;

(iii) Generator of waste; and

(iv) Location, city and state, of each waste generator;

(B) A waste profile for each type of waste from each waste source including:

(i) Chain of custody;

(ii) Sample results; and

(iii) Estimated volume to be applied daily and annually.

(5) Identification of each proposed land application site with a table containing the following information for each land application site:

(A) Site identification;

(B) Owner of the site;

(C) Cover crop;

(D) Whether the site is new or existing;

(E) Latitude and longitude (at the center of each site) in decimal degrees;

(F) Section, township, range;

(G) Total acreage for land application;

(H) Available acreage for land application; and

(I) Waterbody information including:

(i) Name of the nearest waterbody or waterbodies;

(ii) Distance to the nearest waterbody or waterbodies; and

(iii) Classification of waterbody or waterbodies within ten

(10) miles of the land application site:

(a) Impaired status of each waterbody;

(b) Outstanding resource waters designation; and

(c) Applicable total maximum daily load for each waterbody;

(6) Soil analyses required by 8 CAR § 28-204(a) for each land application site including:

(A) Chain of custody; and

(B) Sample results;

(7) Maps of each land application site including:

(A) Overview aerial map showing the proximity of each land application site location to the nearest city;

(B) Driving directions;

(C) Aerial map showing the location of:

(i) Each waterbody;

(ii) Property lines;

(iii) All structures in existence at the time of the permit application; and

(iv) The required buffers as set forth in this part;

(D) Topographical map showing the:

(i) Field slope;

(ii) Location of each waterbody;

(iii) All structures in existence at the time of the permit application;

(iv) Flood plains; and

(v) The required buffers as set forth in this part;

(E) Soil map showing the:

(i) Location of each land application site;

(ii) Location of each soil sampling location with latitude and longitude;

(iii) Soil series boundaries; and

(iv) Depth to groundwater; and

(F) Shape file for each land application site;

(8) Proof of ownership or control of each land application site:

(A) For land owned by the applicant, a copy of the deed or other legal document proving ownership;

(B) For land leased by the applicant, a copy of the lease agreement with the landowner granting control of the land for the purpose proposed in the permit application;

(C) For land that is neither owned nor leased by the applicant, a land use contract between the applicant and landowner of each land application site granting authority to perform specific land application or storage activities authorized by this part;

(9) Description of land application operations for each land application site including:

(A) Transportation method;

(B) All types of land application equipment to be used; and

(C) All land application methods;

(10) A certification that all adjoining landowners and landowners whose property boundary is within five hundred (500) feet of any portion of a land application site in the application have been notified in writing that an application for land application or storage of waste has been submitted to the division, including a copy of the notification to those landowners;

(11) Written consent of landowners authorizing land application if activities are within:

(A) Fifty (50) feet of the property line;

(B) Five hundred (500) feet of occupied building;

(12) If applicable, documentation that adjoining property is an approved land application site permitted pursuant to this part;

(13) A wetland determination for each land application site for which the Division requests that determination;

(14) An evaluation of each land application site documenting a minimum of three-foot separation from the seasonal high groundwater table;

(b) Other permitting requirements

(1) Land application sites in a single permit application shall be located:

(A) In the same county;

(i) For any land application site that is continuous into an adjoining county, the division will evaluate the site and may authorize activity on that site under one permit;

(ii) This determination may be reevaluated with any request to add new application sites or at the time of permit renewal; and

(B) In the same HUC-8;

(2) No more than one thousand (1,000) acres per permit;

(3) No more than five (5) waste streams per permit;

(4)(A) Applicant shall submit a signed certification from each waste generator acknowledging that waste from the generator's facility will be land applied in accordance with a permit issued pursuant to this part.

(B) This certification shall be submitted on the form provided by the division;

(c) If a cover crop other than those listed in this part is used, the applicant shall provide a scientific justification for the nitrogen uptake for the cover crop;

(d) Land application sites shall not be:

(1) Permitted under more than one permit issued pursuant to this part;

(2) Authorized for land application or waste disposal activities by another agency, including a permit issued by that agency; or

(3) In use for land application or waste disposal activities by a person other than the applicant.

(4) Failure to comply with 8 CAR § 28-203(d)(1)–(3) shall be grounds for the division to:

(A) Revoke the permit; or

(B) Modify the permit to remove land application sites.

(e)(1) The Division may require a hydrogeologic study be completed for each land application site with site conditions that may contribute to lateral transmission of pollutants to any waters of the state, including without limitation:

(A) High permeability soil;

(B) Shallow depth of soil over confining layer;

(C) Karst features;

(D) Nearby losing stream;

(E) Nearby potential losing stream; or

(F) As required by the director of the division;

(2) The hydrogeologic study shall be prepared by a professional geologist registered in Arkansas or a qualified professional engineer licensed in Arkansas;

(3) The hydrogeologic study work plan shall be submitted to the division for review and approval prior to initiating significant investigative efforts at the site;

(4) The results of the hydrogeologic study shall be submitted to the division for technical review.

8 CAR § 28-204. Requirements for sampling and monitoring.

(a) All soils shall be identified and sampled in accordance with this part.

(1) Soils from each land application site shall be sampled and analyzed for the parameters listed in Table 1.

(2)(A) At least one (1) soil composite sample must be taken for every forty (40) acres of land application area at a single land application site.

(B) The composite sample shall be collected in accordance with University of Arkansas Extension Service guidance, or as approved by the division.

(C) The soil composite sample must be representative of each land application site.

(D) Additional composite samples may be required as deemed necessary by the division.

(3) Soil analysis shall be reported on a dry basis in mg/kg, with the exception of pH (S.U.), sodium adsorption ratio (-), cation exchange capacity (meq/100g), and electrical conductivity (mmhos/cm).

(4)(A) The soil parameters listed in Table 1 shall be sampled and analyzed according to the frequency of analysis set forth in Table 1.

(B) Annual soil samples may be collected no sooner than December of the year immediately preceding the year in which land application will occur.

(C) More frequent sampling and monitoring may be required as deemed necessary to protect waters of the state.

(5) The initial soil analyses shall be submitted with the permit application.

Table 1. Soil Parameters		
Parameter	**Units**	**Frequency of Analysis**
Cation exchange capacity	meq/100g	Annual, prior to first land application each calendar year
Electrical conductivity	µmhos/cm	Annual, prior to first land application each calendar year
Nitrate nitrogen	mg/kg	Annual, prior to first land application each calendar year

pH	s.u.	Annual, prior to first land application each calendar year
Phosphorus, soil test (Mehlich-3)	mg/kg	Annual, prior to first land application each calendar year
Potassium, soil test (Mehlich-3)	mg/kg	Annual, prior to first land application each calendar year
Sodium adsorption ratio	mg/kg	Annual, prior to first land application each calendar year
Arsenic	mg/kg	Once/five years
Cadmium	mg/kg	Once/five years
Copper	mg/kg	Once/five years
Lead	mg/kg	Once/five years
Mercury	mg/kg	Once/five years
Molybdenum	mg/kg	Once/five years
Nickel	mg/kg	Once/five years
Selenium	mg/kg	Once/five years
Zinc	mg/kg	Once/five years

(b) All waste streams shall be identified and sampled in accordance with this part.

(1) A representative sample of each waste stream shall be collected and analyzed for the parameters listed in Table 2.

(A) Analysis of waste that is solid in nature shall be reported on a dry basis in mg/kg.

(B) Analysis of waste that is liquid or pumpable shall be reported on a wet basis in mg/L.

(C) Parameters not measured on a dry basis or wet basis include pH (s.u.), sodium adsorption ratio (-), percent total solids (%), and electrical conductivity (µmhos/cm).

(2)(A) The waste parameters listed in Table 2 shall be sampled and analyzed according to the frequency of analysis set forth in Table 2.

(B) Annual waste samples may be collected no sooner than- December of the year immediately preceding the year in which land application will occur to comply with the annual waste sampling and annual report requirements for the applicable calendar year.

(C) More frequent sampling and monitoring may be required as deemed necessary to protect waters of the state.

Table 2: Waste Stream Monitoring Parameters

Parameter	**Dry Units**	**Wet Units**	**Frequency of Analysis**
Total Solids	Percentage (%)	Percentage (%)	Annual, prior to first land application each calendar year
Ammonia Nitrogen	mg/kg	mg/L	Annual, prior to first land application each calendar year
Electrical Conductivity	µmhos/cm	µmhos/cm	Annual, prior to first land application each calendar year
Nitrate Nitrogen	mg/kg	mg/L	Annual, prior to first land application each calendar year
Nitrite Nitrogen	mg/kg	mg/L	Annual, prior to first land application each calendar year
Oil and Grease	mg/kg	mg/L	Annual, prior to first land application each calendar year
pH	s.u.	s.u.	Once/load
Sodium Adsorption Ratio	unitless	unitless	Annual, prior to first land application each calendar year

Total Kjeldahl Nitrogen	mg/kg	mg/L	Annual, prior to first land application each calendar year
Total Phosphorus	mg/kg	mg/L	Annual, prior to first land application each calendar year
Total Potassium	mg/kg	mg/L	Annual, prior to first land application each calendar year
Water Extractable Phosphorus	mg/kg	mg/L	Annual, prior to first land application each calendar year
Bulk Density	lb/gallon	lb/gallon	Annual, prior to first land application each calendar year; or the value of 8.34 lb/gallon may be used in place of annual testing
Arsenic	mg/kg	mg/L	Annual, prior to first land application each calendar year
Cadmium	mg/kg	mg/L	Annual, prior to first land application each calendar year
Copper	mg/kg	mg/L	Annual, prior to first land application each calendar year
Lead	mg/kg	mg/L	Annual, prior to first land application each calendar year
Mercury	mg/kg	mg/L	Annual, prior to first land application each calendar year
Molybdenum	mg/kg	mg/L	Annual, prior to first land application each calendar year
Nickel	mg/kg	mg/L	Annual, prior to first land application each calendar year
Selenium	mg/kg	mg/L	Annual, prior to first land application each calendar year
Zinc	mg/kg	mg/L	Annual, prior to first land application each calendar year

(3)(A) The waste stream shall not exceed the ceiling concentrations or cumulative loading rates in Table 3.

(B) More stringent limits may be required as deemed necessary to protect waters of the state.

Table 3: Waste Stream Pollutant Limits			
Parameter	Ceiling Concentrations		Cumulative Pollutant Loading Rate (CPLR)
	Dry Basis (mg/kg)	Wet Basis (mg/L)	(lb/ac)
Arsenic	75	Report	36
Cadmium	85		34
Copper	4300		1338
Lead	840		267
Mercury	57		15
Molybdenum	75		Report
Nickel	420		374
Selenium	100		89
Zinc	7500		2498
Biosolids Only: Polychlorinated Biphenyls (PCBs)	50		NA

(4) The initial waste analyses shall be submitted with the permit application.

8 CAR § 28-205. Permit limits.

(a)(1) Waste shall be applied at a rate that provides a quantity of Plant Available Nitrogen (PAN) (lbs N/acre) that is equal to or less than the nitrogen uptake rate of the cover crop (lbs/acre).

(2) PAN shall be calculated using the equations provided in table 5.

Table 5: PAN Equations	
For surface applied waste, PAN(ppm)	$0.3(TKN - NH_3\text{-}N) + 0.5NH_3\text{-}N + NO_3 + NO_2$

For subsurface applied or incorporated waste, PAN(ppm)	0.3(TKN - NH_3-N) + NH_3-N + NO_3 + NO_2
Dry Basis: Conversion from PAN(ppm) to PAN(lbs/dry ton)	0.002 x PAN(ppm)
Wet Basis: Conversion from PAN(ppm) to PAN(lbs/1,000 gallons)	0.00834 x PAN (ppm)

(b)(1) Waste shall not be applied at a rate that exceeds the nitrogen uptake for crops authorized for land application sites in table 6.

(2) A cover crop not listed in table 6 may be added to a permit by modification upon submission of scientific justification for the nitrogen uptake for the proposed cover crop.

(3) Double cropping shall not be allowed unless specifically authorized by the permit.

Table 6: Nitrogen Uptake of Cover Crops

Crop Name	**Uptake (lbs/acre)**	**Crop Name**	**Uptake (lbs/acre)**
Barley	59	Ryegrass	167
Soybeans	226	Sorghum	148
Corn	240	Wheat	83
Oats	75	Bermuda	300
Rice	124	Fescue	138

(c)(1) Adequate vegetation shall be maintained on the land application sites to ensure appropriate nitrogen uptake rate based on the cover crop used to calculate the limit using table 5.

(2) Land application sites with forage crops shall be maintained at one hundred percent (100%) coverage with a minimum of eighty percent (80%) density.

(3) Land application sites with row crops shall be planted to produce the typical yield for the crop.

(d)(1) Waste shall not be applied at a rate that exceeds the cumulative pollutant loading rate in table 3.

(2) For liquid or pumpable waste, pollutant loading rates shall be calculated per application event using the following equation:

$$\frac{\text{Pounds}}{\text{Acre}} = \text{Concentrations}\left(\frac{\text{mg}}{L}\right) * \text{bulk density} * \text{Application Rate}\left(\frac{\text{MG}}{\text{acre}}\right)$$

(3) For dewatered waste, pollutant loading rates shall be calculated per application event using the following equation:

$$\frac{\text{Pounds}}{\text{Acre}} = \text{Concentrations}\left(\frac{\text{mg}}{\text{kg}}\right) * 0.002 * \text{Application Rate}\left(\frac{\text{DT}}{\text{acre}}\right)$$

(4) The cumulative pollutant loading rate is determined by cumulative summation of each land application event.

(e) Waste application shall not occur if the land application site soil has an electrical conductivity that exceeds four (4) mmhos/cm.

(f) Waste application shall not occur if the land application site soil has a sodium adsorption ratio value that exceeds twelve (12.0).

(g) Waste application shall not occur if the land application site soil has a pH less than five (5.0) s.u.

(h) Waste application shall not occur if the land application site soil has a soil test phosphorus that exceeds two hundred (200) mg/kg.

(1) Waste application shall not resume until the soil test phosphorus is less than one hundred fifty (150) mg/kg; or

(2)(A) For land application sites outside the nutrient surplus area, the Arkansas Phosphorus Index is applied to the field using a p-index value of fifty-five (55) or lower to determine the appropriate application rate.

(B) For land application sites inside the nutrient surplus area, the Arkansas Phosphorus Index is applied to the field using a p-index value of forty-five (45) or lower to determine the appropriate application rate.

8 CAR § 28-206. Land application requirements.

(a) Waste shall be evenly distributed over the entire land application site.

(1) If a land application event does not cover the entire permitted field, the next application event for the same land application site shall cover the remaining area prior to any waste application over the initial application area;

(2)(A) If land application site conditions do not allow land application over the entire site, only the acreage suitable for land application may used; and

(B) The available acreage shall be reduced to the acreage suitable for land application for that land application site.

(b)(1) Waste shall not be discharged to any waters of the state;

(2) Waste shall not be applied to a land application site in any manner that may result in:

(A) runoff to any waters of the state; or

(B) ponding on the surface of the land application site.

(c) Ponding caused by rainfall or stormwater shall not have a visual sheen.

(d) A land use contract for each land application field shall be in effect during the permit term.

(1) Each land use contract shall be renewed and submitted with each permit renewal application.

(2) A copy of the land use contract shall be made available to the Division of Environmental Quality upon request.

(3) The permittee shall request a permit modification within thirty (30) days of termination of any land use contract.

(4)(A) For change in ownership of property authorized for land application under this chapter, ~~A new land use contract shall be required for any land application field that changes ownership~~the permittee shall provide the division with an executed land use contract with the new owner within thirty (30) days of notice of change of ownership.

(B) Upon notice of change of ownership, no land application activities shall occur until the land use contact with the new owner has been provided to the division.~~The new land use contract shall be provided to the division prior to any land application activities on the land application field.~~

(e)(1) Waste application shall not be applied to land application sites exceeding the slope and associated acceptable application method stated in table 7.

Table 7: Land Application Site Slope Parameters	
Maximum Slope %	**Acceptable Application Methods**

6	• Surface application of liquid waste • Injection of liquid waste • Surface application of dewatered waste solids • Surface application of dewatered waste with immediate incorporation
9	Within the Nutrient Surplus Area: • Injection of liquid waste • Surface application of dewatered waste solids • Surface application of dewatered waste with immediate incorporation
12	Outside the Nutrient Surplus Area: • Injection of liquid waste • Surface application of dewatered waste solids • Surface application of dewatered waste with immediate incorporation

(2) Additional requirements for injection of liquid or pumpable wastes:

(A) Waste shall be injected below the surface of the land.

(B) No waste shall be present on the land surface after waste is injected.

(C) Injection of liquid or pumpable waste on sloping land shall be done perpendicular to the slopes to avoid waste from flowing downhill along the injection slits and ponding at the bottom of the slopes.

(f) Waste application is prohibited under the following conditions:

(1) Soils are saturated;

(2) Soils are frozen;

(3) Soils are covered with ice or snow;

(4) During precipitation events;

(5)(A) Precipitation is reasonably anticipated in the next twenty-four (24) hour period following any land application activity by surface application; or

(B) Precipitation is reasonably anticipated in the next three (3) hour period following any subsurface land application activity

(g) Land application of waste is prohibited in a floodplain when:

(1) Flooding is imminent;

(2) A flood event may result in waste entering waters of the state; or

(3) Conditions in the permit identify river levels that will impact the land application site and prohibit land application based on those river levels.

(h) Land application of waste is prohibited:

(1) On land application sites within three hundred (300) feet of:

(A) Natural and scenic waterways, as defined in 8 CAR pt 21;

(B) Extraordinary resources waters, as defined in 8 CAR pt 21;

(C) Ecologically sensitive waters, as defined in 8 CAR pt 21;

(D) Waters with an approved total maximum daily load; or

(E) Waters on the 303(d) list of impaired waterbodies;

(2) On land application sites outside the nutrient surplus area, within one hundred (100) feet of:

(A) Waters of the state not identified in 8 CAR § 28-206(h)(1)(A)–(E);

(B) Sinkholes;

(C) Rock outcrops;

(D) Karst features;

(E) Wells; or

(F) Water supplies;

(3) On land application sites in the nutrient surplus area, within three hundred (300) feet of:

(A) Any waters of the state;

(B) Sinkholes;

(C) Rock outcrops;

(D) Karst features;

(E) Wells; or

(F) Water supplies;

(4) Within fifty (50) feet of property lines:

(A) Unless the property owner consents in writing; or

(B) The property is an approved land application site permitted by the division;

(5) Within five hundred (500) feet of occupied buildings existing as of the issuance date of the permit:

(A) Unless the property owner consents in writing; or

(B) The property is an approved land application site permitted by the division;

(6) The division may require additional buffer distances as deemed necessary to protect waters of the state;

(i) Land application of waste is prohibited in areas regulated by the Arkansas Department of Health for the protection of public water supplies;

(j) All boundaries, including buffers, shall be flagged prior to and visibly present during any land application event for all land application sites, including those sites with fixed irrigation.

(k)(1) Land application of waste shall not cause or contribute to the taking of any endangered or threatened species of plant, fish, or wildlife or wildlife species treated as an endangered or threatened species because they are similar in appearance to and may be confused with endangered or threatened species.

(2) Land application of waste shall not result in the destruction or adverse modification of the known critical habitat of endangered or threatened species or wildlife species treated as an endangered or threatened species because they are similar in appearance to and may be confused with endangered or threatened species as identified in 50 C.F.R. Part 17.

(l) Transportation of waste shall be in a closed type container that is leak proof and maintained in sanitary conditions at all times.

8 CAR § 28-207. Record keeping and reporting requirements.

(a) Records, logs, and reports demonstrating compliance with permit requirements or requirements of this part shall be kept for a minimum of five (5) years and made available to the Division of Environmental Quality upon request;

(b) Upon request from the division, a list of planned land application activities shall be provided to the division within twenty-four (24) hours, and shall include:

(1) Land application events that are expected to occur within the next five (5) calendar days;

(2) Permit number;

(3) Anticipated dates of application; and

(4) Land application site and field identification.

(c)(1) Contemporaneous records shall be kept for each land application event on any site.

(2) Each land application record shall include, at a minimum:

(A) Permittee name;

(B) Permit number;

(C) Sufficient detail to determine land application rate;

(D) Date of land application event;

(E) Land application site and field identification;

(F) Volume of waste applied;

(G) Information when land application ceased due to precipitation;

(H) Amount of acreage to which waste was applied;

(I) Waste generator; and

(J) Description of the specific type of waste applied.

(3) Land application field logs shall demonstrate that:

(A) Precipitation chances were reviewed; and

(B) Precipitation was not reasonably anticipated:

(i) In the next twenty-four (24) hour period following any land application activity by surface application; or

(ii) In the three (3) hours period following any land application activity by subsurface injection of liquid or pumpable waste; and

(C) Land application field logs shall include documentation that the permittee commenced or suspended the application activity in compliance with the precipitation restrictions in this subpart.

(4) Land application field logs shall be on forms provided or approved by the division.

(d) Contemporaneous records shall be kept for temporary storage at any land application site in accordance with 8 CAR § 28-608.

(e) Annual reports shall be submitted for each calendar year, even if no land application occurs, and shall include, at a minimum:

(1) A certification form signed by the responsible official or cognizant official;

(2) Land application dates;

(3)(A) Quantities of dewatered waste applied in dry tons per acre per year (dry basis);

(B) Quantities of liquid or pumpable waste applied in gallons per acre per year (wet basis);

(4) Date, location, and quantity of lime applied in accordance with recommendations from the University of Arkansas Cooperative Extension Service, if required;

(5) Methods of application for each land application event;

(6) Cover crop grown on each land application site and field;

(7) Amount of plant available nitrogen applied annually on each land application site and field;

(8) Maximum concentration for each waste stream for each parameter identified in table 3, noting any exceedances of the ceiling concentrations listed in table 3;

(9) For the reporting year, the cumulative amount for each parameter identified in table 3 in pounds per acre per year;

(10) For each land application site, the cumulative amount of each parameter identified in Table 3, applied to date for the life of the site;

(11) Minimum and maximum pH and Sodium A~~b~~dsorption Ratio (SAR) for each waste stream;

(12) Minimum and maximum pH and SAR for each land application field;

(13) Any known violations of permit conditions;

(14) Copies of the waste analyses and soil analyses, including chain of custody;

(15) Map of locations of soil subsamples;

(16) A statement attesting that the field logs were maintained and are available for inspection, and identifying each individual instance when land application activities did not comply with this part or the conditions of the permit, related to precipitation;

(17) A statement attesting that the landowner was notified within ninety (90) days after the previous year's annual report was submitted;

(18) A statement attesting to the annual training required by the permit, including the date of training, name of individual trained, and copies of the written certification that those overseeing land application are familiar with the permit and the waste management plan or nutrient management plan requirements;

(19) Any additional soil analyses, lime application records and accompanying calculations, site evaluation reports required by the permit including any reports by a qualified agronomist or a qualified soil scientist, waste stream analysis, and other documentation demonstrating compliance or noncompliance with the pH conditions in the permit;

(20) List of land application sites where the land application activities were not continued because no evaluation was conducted in accordance with the pH condition requirements in the permit.

(f) Annual reports and certifications shall be submitted in the form and manner required by the division.

(g) Annual reports are due by April 1st of each year for the previous permitted months of January to December.

(h) The permittee shall send a copy of the annual report to the owner of the land receiving waste within ninety (90) days following submittal to the division.

(1) The permittee may send a hard copy, link to the division website, or other equivalent transmittal.

(2) If all permitted land application sites are owned by the permittee, this notification is not required.

8 CAR § 28-208. Annual training requirements.

(a) The permittee shall provide annual training to any person that will be responsible for land applying waste or any person that will be overseeing the land application of wastes before the permittee can land apply the waste under this part or a permit issued thereunder.

(b) The annual training shall consist of, at a minimum, training on all permit conditions and the waste management plan or nutrient management plan.

(c) The permittee shall maintain written certification that any person that will be responsible for land applying waste or any person that will be overseeing the land application of waste is familiar with this part, the permit, and the waste management plan or nutrient management plan requirements.

(d) The permittee shall provide the Division of Environmental Quality with records of these annual trainings as part of the permittee's annual report.

(e) All certifications shall be made available to division personnel on request.

(f) All certifications shall be maintained for three (3) years.

8 CAR § 28-209. Status and continuation of permits.

(a) Conditions of a land application permit issued by the Division of Environmental Quality will continue in effect past the expiration date pending issuance of a new permit, if:

(1) The permittee has submitted a timely and administratively complete application; and

(2) The director of the division, through no fault of the permittee, does not issue a new permit prior to the expiration date of the previous permit.

(b)(1) An application is timely if it is submitted at least 180 days before the expiration date of the existing permit; and

(2) An application is complete if it complies with the requirements in 8 CAR 28-203.

Subpart 3. Industrial Waste

8 CAR § 28-301. Applicability.

(a) Land application of the following types of industrial waste may be permitted in compliance with this part:

(1) Wastewater and wastewater residuals from:

(A) Food and beverage processing;

(B) Animal food processing;

(C) Animal processing;

(D) Cardboard and paper processing;

(E) Compost facilities; and

(F) Other facilities as approved by the Division of Environmental Quality; and

(2) Washwater, as approved by the division;

(3) Commercial food waste;

(4) Grease trap waste;

(5) Agricultural waste products:

(A) Cotton tailings;

(B) Rice processing residual wastewater;

(C) Timber processing residuals; and

(D) Other waste products as approved by the division;

(6) Comingled stormwater;

(7) Commercial waste hauling or commercial land applications of:

(A) Agricultural waste;

(B) Food waste; and

(C) Other waste as approved by the division;

(b) Other types of industrial waste may not be permitted pursuant to this part unless specifically approved by the division;

(c) This part prohibits the issuance of permits for the land application of particular industrial wastes:

(1) Hazardous wastes;

(2) Leachate from any class of landfill; and

(3) Other industrial wastes as determined by the division; and

(d) This part prohibits the mixing of industrial waste with any other waste type.

(e) Temporary or permanent storage of industrial waste shall be in compliance with Subpart 6 of this part.

8 CAR § 28-302. Permit required.

(a) No industrial waste shall be land applied unless the person has first obtained a permit from the Division of Environmental Quality.

(b) Nothing in this part shall be construed as a limitation on the use of recovered material or beneficial fill as authorized by 8 CAR pt. 60.

8 CAR § 28-303. Additional technical requirements and specifications.

(a) Applications for land application of industrial waste in the Nutrient Surplus Area, as defined in Arkansas Code § 15-20-1104, shall include a nutrient management plan.

(1) Only fields classified with a Phosphorus Index value of fifty-five (55) or below may be permitted for land application in the Nutrient Surplus Area.

(2) The Phosphorus Index shall be calculated annually, prior to the first application of the calendar year.

(b) Waste management plans and any applicable design plans, specifications, and calculations shall be in accordance with this subpart and any applicable approved total maximum daily load (TMDL).

(c)(1) Land application of industrial waste shall comply with 40 C.F.R. Part 257.

(2) The applicant shall certify compliance with 40 C.F.R. Part 257.

(3) The director may require the applicant to provide documentation that demonstrates compliance with 40 C.F.R. Part 257.

8 CAR § 28-304. Permit application requirements.

Any person seeking to land apply industrial waste shall submit a permit application in accordance with Subpart 2 of this part.

8 CAR § 28-305. Sampling and monitoring requirements.

(a) All soils shall be sampled in accordance with Subpart 2 of this part.

(b) All industrial wastes shall be sampled in accordance with Subpart 2 of this part.

8 CAR § 28-306. Permit limits.

(a) Land application of industrial waste shall be in accordance with the permit limits and requirements in Subpart 2 of this part.

(b) (1)Land application of industrial waste shall not occur on land application sites if the waste exceeds a Sodium Adsorption Ratio (SAR) value of eighteen (18.0).

(2) The Division may permit the land application of industrial waste with a Sodium Adsorption Ratio (SAR) value that exceeds eighteen (18.0) on a case by case basis with permit conditions requiring additional testing of the soil and evaluation as appropriate.

(c)(1) Land application of industrial waste via surface application shall not exceed the daily hydraulic rate of fifteen thousand (15,000) gallons per acre per day.

(2) Land application of industrial waste via subsurface application shall not exceed the daily hydraulic rate of twenty thousand (20,000) gallons per acre per day.

(d) Land application of industrial waste may require additional limits for oil and grease, as deemed necessary by the division.

Subpart 4. Biosolids and Wastewater Sludges

8 CAR § 28-401. Applicability.

(a) Land application of the following types of biosolids and wastewater sludges may be permitted in compliance with this part:

(1) Class A biosolids;

(2) Class B biosolids; and

(3) Exceptional quality (EQ) biosolids that meet the following requirements:

(A) ceiling concentrations and pollutant concentrations identified in 40 C.F.R. Part 503;

(B) Class A pathogen requirements identified in 40 C.F.R. Part 503;

(C) One of the vector attraction reduction requirements identified in 40 C.F.R. Part 503;

(D) Submitted certification of EQ biosolids to EPA; and

(E) Submitted certification of EQ biosolids to the Division of Environmental Quality.

8 CAR § 28-402. Permit required.

(a) No Class A or Class B biosolids shall be land applied unless the person has first obtained a permit from the Division of Environmental Quality in accordance with this part.

(b) Nothing in this part shall be construed as a limitation on the use of recovered material or beneficial fill as provided by 8 CAR pt. 60.

8 CAR § 28-403. Permit applications requirements.

Any person seeking a permit to land apply biosolids and wastewater sludges shall submit a permit application in accordance with Subpart 2 of this part.

8 CAR § 28-404. Sampling and monitoring requirements.

(a) All soils shall be sampled in accordance with Subpart 2 of this part.

(b) All biosolids and wastewater sludges shall be sampled in accordance with Subpart 2 of this part.

8 CAR § 28-405. Additional technical requirements and specifications.

(a) Biosolids storage shall be enclosed or covered to prevent littering, vector attraction, or any other nuisances.

(b) Biosolids shall be transported in accordance with this part to prevent the attraction, harborage, or breeding of insects or rodents.

8 CAR § 28-406. Additional sampling and monitoring requirements.

(a) Biosolids shall be reported on a dry basis in mg/kg with the exception of:

(1) pH;

(2) Sodium adsorption ratio;

(3) Percent total solids; and

(4) Electrical conductivity.

(b)(1) The waste shall be sampled and monitored at the frequency specified in 40 C.F.R. § 503.16(a).

(2) The Division of Environmental Quality may require more frequent sampling and monitoring as determined to protect waters of the state.

8 CAR § 28-407. Permit limits.

(a) Land application of biosolids and sewage sludge waste shall be in accordance with the permit limits and requirements in Subpart 2 of this part.

(b) Land application of biosolids and sewage sludge waste shall not occur on land application sites if the waste exceeds a Sodium Adsorption Ratio (SAR) value of eighteen (18.0).

8 CAR § 28-408. Additional land application requirements.

(a)(1) Biosolids generators shall issue a signed certification stating that the requirements have been met for:

(A) Pathogen reduction;

(B) Vector attraction reduction; and

(C) Pollutant concentration limits.

(2) The signed certification shall be made available to the land applicator before the biosolids materials are delivered and included in the annual report.

(b) The requirements for pathogen reduction, vector attraction reduction, and pollutant concentration limits are the same as those listed in:

(1) 40 C.F.R. § 503.32;

(2) 40 C.F.R. § 503.33; and

(3) 40 C.F.R. § 503.13.

(c) Land application site restrictions shall comply with this part and 40 C.F.R. § 503.32(b)(5).

Subpart 5. Treated Domestic Wastewater Effluent

8 CAR § 28-501. Applicability.

(a) Land application of treated domestic wastewater effluent may be permitted in compliance with this part.

(b) Land Application of other types of treated effluent may not be permitted pursuant to this part unless specifically approved by the Division of Environmental Quality.

(c) A permit shall not be issued for land application of the following types of waste:

(1) Hazardous waste; or

(2) Leachate from any class of landfill.

(d) Land application of treated domestic wastewater effluent mixed with any other waste type is prohibited.

8 CAR § 28-502. Permit required.

(a) No treated domestic wastewater effluent shall be land applied unless the person has first obtained a permit from the division in accordance with this part.

(b) Nothing in this part shall be construed as a limitation on the use of recovered material or beneficial fill as provided by 8 CAR pt 60.

8 CAR § 28-503. Permit application requirements.

Any person seeking to land apply treated domestic wastewater effluent shall submit a permit application in accordance with Subpart 2 of this part.

8 CAR § 28-504. Sampling and monitoring requirements.

(a) All soils shall be sampled in accordance with Subpart 2 of this part.

(b) All wastewater effluent shall be sampled in accordance with Subpart 2 of this part.

(c) Wastewater effluent shall also be sampled for the wastewater effluent monitoring parameters in table 8.

Table 8: Wastewater Effluent Monitoring Parameters

Parameter	**Wet Units**	**Maximum Limits**	**Frequency of Analysis**
Carbonaceous Biochemical Oxygen Demand ($CBOD_5$)	mg/L	30	Annual, prior to first land application each calendar year
Total Suspended Solids (TSS)	mg/L	45	Annual, prior to first land application each calendar year
E. coli	colonies/100 ml	410	Annual, prior to first land application each calendar year

8 CAR § 28-505. Additional land application requirements.

(a) Land application of treated domestic wastewater effluent shall comply with 40 C.F.R. Part 257.

(b)(1) The applicant shall certify compliance with 40 C.F.R. Part 257; and

(2) The director may require the permittee to provide documentation demonstrating compliance with 40 C.F.R. Part 257.

Subpart 6. Waste Storage

8 CAR § 28-601. Applicability.

(a) Storage of types of waste authorized for land application by this part may be permitted in compliance with this part.

(b) Storage of solids associated with National Pollutant Discharge Elimination System (NPDES) permitted facilities or authorized by a NPDES permit are not subject to this part.

8 CAR § 28-602. Permit required.

(a) No waste authorized for land application by this part shall be stored unless the person has first obtained a permit from the Division of Environmental Quality.

(b) No storage shall commence unless a final permit has been issued pursuant to this part.

(c) ~~DEQ~~The Division may require ~~A~~a construction certification by a professional engineer licensed in Arkansas ~~may be required~~ before commencement of storage activities, including without limitation storage activities at facilities with applicable design plans specification requirements like those found in 10 States Standards (published by the Great Lakes-Upper Mississippi Board of State Sanitary Engineers).

8 CAR § 28-603. Technical requirements and specifications for temporary storage.

(a) Temporary storage shall be the onsite short-term storage of permitted waste on an appropriate stable surface within a site approved for land application at a location permitted by the Division of Environmental Quality.

(b) Temporary storage facilities shall have adequate capacity for the storage of the authorized waste type when land application is not possible due to any of the following conditions:

(1) Equipment breakdown; or

(2) When site access would damage the field or cover crop.

(c) The storage volume of temporary storage shall be equal to or less than the remaining capacity of the permitted fields at that location.

(d)(1) All temporary open storage structures shall be surrounded by a secondary containment structure with:

(A) A volume one and one-half (1.5) times the capacity of the largest aboveground waste storage tank;

(B) Adequate volume to handle a twenty-four (24) hour, twenty-five (25) year precipitation event; and

(C) Lined to prevent seepage of spilled waste with a permeability of 1 x 10^{-7} centimeters per second or less; or

(2) Sufficient best management practices shall be employed as an alternative and the permittee shall provide notification of actions taken as required by the permit..

(e) All temporary closed top storage structures shall be surrounded by a secondary containment structure with:

(A) A volume one and one-half (1.5) times the capacity of the largest aboveground waste storage tank; and

(B) Lined to prevent seepage of spilled waste with a permeability of 1 x 10^{-7} centimeters per second or less.

(f) Disposal of precipitation that falls within the secondary containment structures that comes into contact with the waste shall be treated as process wastewater and disposed of in accordance with state law.

(g) Location of the proposed temporary storage facilities at the land application site shall be shown on aerial maps.

(h) Any temporary storage shall be addressed in the land use contract or lease.

(i) The utilization of improvised storage at field sites or any other site is prohibited during standard operating conditions.

(j) Water treatment residuals shall only be stored in accordance with the approved notice of intent and waste management plan or nutrient management plan.

8 CAR § 28-604. Technical requirements and specifications for permanent storage.

(a)(1) Permanent storage is the long-term storage of permitted waste constructed specifically for the storage of permitted waste to be applied at any land application site permitted pursuant to this part.

(2) Permanent storage facilities shall be provided for all land application projects if no alternative means of management is available during nonapplication periods.

(3) Plans and specifications for any surface storage facilities (pits, ponds, lagoons) or aboveground facilities (tanks, pads) shall be submitted as part of the permit application requirements.

(b) Waste management plans and any applicable design plans, specifications, and calculations shall be in accordance with this subpart and the following technical publications:

(1) 40 C.F.R. Part 503, as amended;

(2) 40 C.F.R. Part 257, as amended;

(3) The latest edition of the "Recommended Standards for Wastewater Facilities," published by the Great Lakes-Upper Mississippi Board of State Sanitary Engineers known as 10 States Standards; and

(4) Wastewater Engineering, Treatment and Reuse (Metcalf & Eddy); and

(5) Other technical publications or guidance may be adapted on a case-by-case basis when determined to be appropriate for protection of human health and environment and to ensure activities will not result in adverse impacts to the air or surface and ground water quality.

(c) Waste storage operations authorized by this part- shall not commence at the storage facility until the permittee has obtained written approval from the Office of Water Quality.

(1) After construction is complete, the permittee shall submit a construction certification, signed and stamped by a professional engineer licensed in Arkansas, to the

division stating that the storage facility was constructed according to the final plans approved by the Office of Water Quality.

(2) Upon receipt and review of the construction certification, the Office of Water Quality may issue a letter of authorization to commence operation at the storage facility.

(d) Permanent storage structures shall be enclosed with an adequate fence to prevent entry by livestock and discourage trespassing.

(1) A vehicle access gate of sufficient width to accommodate transfer vehicles shall be provided.

(2) All access gates shall be provided with locks and shall remain locked at all times when the storage site is unattended or not in use.

(e) There shall be a permanent sign posted along the fence around the storage site providing the following information and advising against trespass:

(1) Name of the facility;

(2) Contact name;

(3) Contact address and phone number; and

(4) Permit number.

(f) The permittee shall conduct visual inspections of the liner, including all seams and welds, once annually, at minimum, and after each instance of waste removal;

(1) If there is any damage to or an indication of a leak from a storage facility, acceptance of waste into the storage facility shall cease immediately and stored waste shall be removed to a level below the damage or leak;

(2) The liner shall be replaced, repaired, or retrofitted and the permittee shall provide a written report on the damage to the liners and the steps taken to replace, repair, or retrofit the liner; and

(3) The liner inspection records shall be kept onsite and made available to Office of Water Quality upon request.

(g) A minimum of two (2) feet freeboard shall be maintained in any open waste storage structure at all times.

(h) A staff gauge, liquid level board, or other appropriate device with a minimum of one-half (0.5) foot graduation shall be installed in any waste storage pond structure and maintained to monitor the elevation of the surface level and demonstrate compliance with the freeboard limit.

8 CAR § 28-605. Permit application requirements for storage of waste.

(a) Any person seeking to store any type of waste authorized for land application under this part shall submit a permit application with the following information:

(1) Application form, in the form and manner prescribed by the Division of Environmental Quality.

(2) Disclosure statement in accordance with 8 CAR § 11-204(b).

(3) Waste management plan (WMP) that:

(A) Is prepared and certified by an Arkansas licensed professional engineer;

(B) Is a comprehensive document that includes an outline of the waste storage operation, management, and maintenance procedures; and

(C) Meets additional applicable requirements set forth in this part.

(4)(A) Identification of each anticipated waste stream to be stored at the facility including:

(i) Type of waste;

(ii) Source of waste;

(iii) Generator of waste; and

(iv) Location, city and state, of each waste generator;

(B) A waste profile for each type of waste from each waste source including:

(i) Chain of custody;

(ii) Sample results; and

(iii) Estimated volume to be stored daily and annually.

(5) Identification of each proposed storage site with a table containing the following information for each storage site:

(A) Site identification;

(B) Owner of the site;

(C) Whether the site is new or existing;

(D) Latitude and longitude (at the center of each site) in decimal degrees;

(E) Section, township, range; and

(F) Waterbody information including:

(i) Name of the nearest waterbody or waterbodies;

(ii) Distance to the nearest waterbody or waterbodies; and

(iii) Classification of nearest waterbody or waterbodies:

(a) Impaired status of each waterbody;

(b) Outstanding resource waters designation; and

(c) Applicable total maximum daily load for each waterbody;

(6) Maps of each storage site including:

(A) Overview aerial map showing the proximity of each storage site location to the nearest city;

(B) Driving directions;

(C) Aerial map showing the location of:

(i) Each waterbody;

(ii) Property lines;

(iii) All structures in existence at the time of the permit application; and

(iv) The required buffers as set forth in this part;

(D) Topographical map showing the:

(i) Field slope;

(ii) Location of each waterbody;

(iii) All structures in existence at the time of the permit application;

(iv) Flood plains; and

(v) The required buffers as set forth in this part;

(7) Proof of ownership or control of each storage site:

(A) For land owned by the applicant, a copy of the deed or other legal document proving ownership;

(B) For land leased by the applicant, a copy of the lease agreement with the landowner granting control of the land for the purpose proposed in the permit application;

(C) For land that is neither owned nor leased by the applicant, a land use contract between the applicant and landowner of each storage site granting authority to perform specific storage activities authorized by this part;

(8) Description of storage operations for each site including:

(A) Loading practices;

(B) Transportation method;

(C) All types of storage equipment to be used; and

(D) All storage methods;

(9) A certification that all adjoining landowners and landowners whose property is within five hundred (500) feet of any portion of the storage site in the application have been notified in writing that an application for storage of waste has been submitted to the division, including a copy of the notification to those landowners;

(10) ~~If applicable,~~ The permittee must obtain and submit to the division written consent of landowners for ~~authorizing land application~~waste storage activities within:

(A) Fifty (50) feet of the property line;

(B) Five hundred (500) feet of occupied building;

(11)(A) A notification letter that includes a complete description of the proposed permitted activity that includes:

(i) A precise definition of the type of waste or wastes that will be stored, and

(ii) A complete set of maps indicating the location of the facility and all proposed storage sites;

(B) The notification shall be submitted to the following authorities:

(i) Arkansas Department of Health;

(ii) Zoning authority, if applicable; and

(iii) Elected county officials, as appropriate; and

(12) Documentation that adjoining property is an approved storage site permitted by the division, if applicable.

(b) Other permitting requirements

(1) Individual permanent storage sites shall be permitted separately;

(2) Permanent storage structures shall be emptied and inspected annually, at minimum.

8 CAR § 28-606. Additional requirements for storage of waste.

(a) Waste shall not be discharged to waters of the state;

(b)Waste shall not be stored in any manner that may result in:

(1) Runoff to waters of the state; or

(2) Ponding of waste on the surface of the land.

(c) Waste stored in permanent storage structures shall be treated as a separate waste source.

(d) Coverage under the industrial stormwater general permit is required for those facilities designated in 40 C.F.R. § 122.26(b)(14).

(e) Failure to comply with this part or a permit issued under this part shall be grounds for the division to:

(1) Revoke the permit; or

(2) Modify the permit to remove a storage facility or facilities.

(f)(1) If malodors related to the stored waste are verified by the Division of Environmental Quality, the problem must be corrected within the time specified by the division.

(2) If the problem is not corrected within the time specified by the division, the wastes must be removed from the storage site -in the time specified by the division.

8 CAR § 28-607. Waste storage closure requirements.

(a) A permittee with permitted storage sites is required to notify the Division of Environmental Quality at least sixty (60) days prior to any removal, closure, or abandonment of any waste storage site or related structure containing waste or residuals from any type of waste authorized by this part for land application or storage.

(b) A closure plan must contain the following:

(1) Permittee information:

(A) Permittee name;

(B) Type of permit; and

(C) Permit number;

(2) Facility information:

(A) Facility location;

(B) Facility type; and

(C) Facility county;

(3) Storage structure information:

(A) Type of storage structure; and

(B) Size of waste storage structure to be closed;

(4) Quantity of waste contained in the waste storage structure;

(5) Method of waste disposal;

(6) Final status of waste storage structure; and

(7) Is prepared and certified by an Arkansas licensed professional engineer.

(c)(1) For earthen ponds and lagoons converted to fresh water ponds, a minimum of six (6) inches of soil must be removed from the bottom and inside levees of the pond.

(2) The disposal of this waste shall be addressed in the closure plan.

(d) If removed waste will be land applied, the removed waste shall be treated as a new waste source.

(e) Any waste disposal methods other than land application shall be described in sufficient detail and include the final disposition of the waste at a permitted facility.

8 CAR § 28-608. Record keeping and reporting requirements.

(a) Records, logs, and reports demonstrating compliance with permit requirements or requirements of this part shall be kept for a minimum of five (5) years and made available to the Division of Environmental Quality upon request.~~;~~

(b) Contemporaneous records shall be kept for temporary storage at any land application site.

(c) Annual reports shall be submitted for each calendar year, even if no storage occurs, and shall include, at a minimum:

(1) A certification form signed by the responsible official or cognizant official;

(2) Inspection records conducted during the reporting period;

(3)(A) Quantities of dewatered waste stored in dry tons (dry basis);

(B) Quantities of liquid or pumpable waste stored in gallons (wet basis);

(4) Incoming waste records, including:

(A) Volume of waste per load;

(B) The name of the entity sending the waste;

(C) Type of waste; and

(D) The receiving date;

(5) Outgoing waste records, including:

(A) Volume of waste per load;

(B) The name of the entity or land application site receiving the waste;

(C) Type of waste; and

(D) Removal date.

(6) Quantities of any chemicals or other substances added to the waste at the storage site;

(7) Minimum and maximum pH for each waste stream;

(8) Copies of waste analyses of the stored waste, including chain of custody;

(9) A statement attesting that:

(A) The waste transfer logs were maintained and are available for inspection; and

(B) Identifying each individual instance when storage activities did not comply with this rule or any condition of the permit;

(10) A statement attesting that the land owner, if not owned by the permittee, was notified of the annual report within ninety (90) days after the previous year annual report was submitted to the division;

(11) A statement attesting to the annual training described in the permit, including:

(A) Date of training;

(B) Name of individual trained; and

(C) Copies of the written certification that those overseeing waste storage are familiar with the permit requirements and the requirements of this part.

(d) Annual reports are due by April 1st of each year for the previous permitted months of January to December.

(e)(1) The permittee shall send a copy of the annual report to the owner of the property where the waste storage facility is located within ninety (90) days following submittal to the division.

(2) The permittee may send a hard copy, link to division website, or other equivalent transmittal.

(3) If the waste storage facilities are owned by the permittee, this notification is not required.

Subpart 7. Water Treatment Residuals

8 CAR § 28-701. Applicability.

Land application of water treatment residuals from potable water treatment plants may be permitted in compliance with this part.

8 CAR § 28-702. Permit required.

No water treatment residuals from potable water treatment plants shall be land applied unless the person has first obtained a permit from the Division of Environmental Quality in accordance with this part.

(1) For land application of water treatment residuals from potable water treatment plants not exceeding ten (10) dry tons per acre per year, coverage may be obtained under the general permit for disposal of water treatment residuals from potable water treatment plants located within Arkansas or an individual permit.

(2) For land application of water treatment residuals from potable water treatment plants exceeding ten (10) dry tons per acre per year, an individual permit is required.

8 CAR § 28-703. Permit applications requirements.

Any person seeking to land apply water treatment residuals from a potable water treatment plant shall submit a permit application in accordance with this subpart.

(1) For coverage under the general permit for disposal of water treatment residuals from potable water treatment plants located within Arkansas, a notice of intent shall be submitted containing the information required by the general permit.

(2) For an individual permit for disposal of water treatment residuals from potable water treatment plants located within Arkansas, an application shall be submitted in accordance with Subpart 2 of this part.

8 CAR § 28-704. Sampling and monitoring requirements.

(a) All soils shall be sampled in accordance with Subpart 2 of this part with the following exclusions:

(1) Electrical conductivity analysis is not required.; ~~and~~

(2) Sodium adsorption ratio analysis is not required;

(3) Ammonia-nitrogen analysis is not required;

(4) Total Kjeldahl Nitrogen (TKN) analysis is not required;

(5) Water-extractable phosphorus analysis is not required;

(6) Oil and Grease analysis is not required; and

(7) Bulk density determination is not required.

(b)(1) For individual permits for land application of water treatment residuals from potable water treatment plants, water treatment residuals shall be sampled in accordance with Subpart 2 of this part with the following exclusions:

(A) Electrical conductivity analysis is not required; and.

(B) Sodium adsorption ratio analysis is not required.

(2) For general permit coverage for land application of water treatment residuals from potable water treatment plants, water treatment residuals shall be sampled in accordance with the general permit.

(c) In addition to the waste parameters listed in Table 2, the waste parameters listed in Table 9 shall be sampled and analyzed according to the frequency of analysis set forth in Table 9.

(d) In addition to the soil parameters listed in Table 1, the soil parameters listed in Table 9 shall be sampled and analyzed according to the frequency of analysis set forth in Table 9.

(e) Water treatment residuals from potable water treatment plants shall be reported on a dry basis in mg/kg with the exception of:

(1) pH; and

(2) Percent total solids.

(f) The Division may require more frequent sampling and monitoring as determined to protect waters of the state.

Table 9: Additional Water Treatment Residuals Waste Stream and Soil Monitoring Parameters			
Parameter	**Dry Units**	**Wet Units**	**Frequency of Analysis**

Aluminum	mg/kg	mg/L	Annual, prior to first land application each calendar year
Iron	mg/kg	mg/L	Annual, prior to first land application each calendar year

8 CAR § 28-705. Permit limits.

Land application of water treatment residuals shall be in accordance with the permit limits and requirements in Subpart 2 of this part.

8 CAR § 28-706. Additional land application requirements.

Water treatment residuals shall not be applied to a land application site within two hundred (200) feet of a drinking water well.

8 CAR § 28-707. Temporary transfer and storage requirements.

(a) Temporary transfer and storage areas are allowed for water treatment residuals from a potable water treatment plant's storage facility provided that:

(1) No more than twenty (20) cubic yards may be temporarily stored at any time;

(2) The temporary transfer or storage area shall have a berm or dike to adequately contain the water treatment residuals;

(3) There shall be no runoff from the temporary transfer or storage area;

(4) Temporary storage shall be limited to thirty (30) days.

(b) The waste management plan shall contain best management practices to be implemented to contain and to remediate the area in the event of a leak or spill.

Subpart 8: Violations and Revocation of Permits

8 CAR § 28-801. Violations.

Violation of any of the following prohibitions shall be considered a violation of this part and shall be subject to the penalties provided in the Arkansas Water and Air Pollution Control Act, Arkansas Code § 8-4-101 et seq., specifically Arkansas Code § 8-4-103:

(1) No person shall construct, install, alter, modify, or operate any disposal system, as defined in Arkansas Code § 8-4-102(3), or any part thereof or any extension or addition thereto that will discharge into any of the waters of the state without first having obtained a permit from the Division of Environmental Quality for the activity;

(2) No person shall increase in volume or strength any sewage, industrial waste, or other wastes in excess of the permitted discharges specified under any existing permit;

(3) No person shall construct, install, or operate any building, plant, works, establishment, or facility or any extension or modification thereto, the operation of which would result in discharge of any wastes into the waters of the state or would otherwise alter the physical, chemical, or biological properties of any waters of the state in any manner not already lawfully authorized;

(4) No person shall discharge sewage, industrial waste, or other wastes into any of the waters of the state without first obtaining a permit for the activity from the division;

(5) No person shall install, modify, or operate a disposal system or any part of a disposal system without first obtaining a permit for the activity from the division; and

(6) No person shall violate any other provision of this part or the Arkansas Water and Air Pollution Control Act, Arkansas Code § 8-4-101 et seq.

8 CAR § 28-802. Revocation of permit.

The Division of Environmental Quality may revoke, modify, or suspend, in whole or in part, for cause any permit issued pursuant to this part, including without limitation:

(1) Violation of any condition of the permit; or

(2) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts.

Subpart 9: Severability and Effective Date

8 CAR § 28-901. Severability.

The provisions of this rule are severable. If any part of this rule is declared invalid or unenforceable by a court, the remainder of the rule will continue to be valid and enforceable.

8 CAR § 28-902. Effective Date.

This Rule shall be effective ten days after filing with the Secretary of State, the State Library, and the Bureau of Legislative Research.

Peter Alberg (adpce.ad)

From: Lauren Ballard
Sent: Tuesday, September 1, 2026 12:39 PM
To: Amanda Land
Cc: Katherine Hindsley; Peter Alberg (adpce.ad); Shane Khoury; Bailey Taylor (adpce.ad)
Subject: Rulemaking Approvals

Amanda,

This email confirms that the Governor's Office has approved pending rulemaking packets related to the Wastewater Licensing Committee and land application permits. Please move forward with these packets.

Regards,

Lauren Ballard
Chief of Staff I
Energy and Environment | Operations
e: lauren.ballard@arkansas.gov
t: 501-682-0581

Exhibit B

QUESTIONNAIRE FOR FILING PROPOSED RULES WITH THE ARKANSAS LEGISLATIVE COUNCIL

DEPARTMENT Energy & Environment, Division of Environmental Quality
BOARD/COMMISSION
BOARD/COMMISSION DIRECTOR
CONTACT PERSON Amanda Land
ADDRESS 5301 Northshore Drive, NLR, AR 72118
PHONE NO. (501) 682-8065 **EMAIL** amanda.land@arkansas.gov
NAME OF PRESENTER(S) AT SUBCOMMITTEE MEETING
Amanda Land and Bailey Taylor
PRESENTER EMAIL(S) amanda.land@arkansas.gov; bailey.taylor@arkansas.gov

INSTRUCTIONS

In order to file a proposed rule for legislative review and approval, please submit this Legislative Questionnaire and Financial Impact Statement, and attach (1) a summary of the rule, describing what the rule does, the rule changes being proposed, and the reason for those changes; (2) both a markup and clean copy of the rule; and (3) all documents required by the Questionnaire.

If the rule is being filed for permanent promulgation, please email these items to the attention of Rebecca Miller-Rice, miller-ricer@blr.arkansas.gov, for submission to the Administrative Rules Subcommittee.

If the rule is being filed for emergency promulgation, please email these items to the attention of Director Marty Garrity, garritym@blr.arkansas.gov, for submission to the Executive Subcommittee.

Please answer each question completely using layman terms.

****

1. What is the official title of this rule?
8 CAR pt. 28. "Rules for Land Application of Waste and Waste Storage."

2. What is the subject of the proposed rule? Land application and waste storage of industrial and other wastes.

3. Is this rule being filed under the emergency provisions of the Arkansas Administrative Procedure Act? Yes ☐ No ☑

If yes, please attach the statement required by Ark. Code Ann. § 25-15-204(c)(1).

If yes, will this emergency rule be promulgated under the permanent provisions of the Arkansas Administrative Procedure Act? Yes ☐ No ☐

Exhibit C

4. Is this rule being filed for permanent promulgation? Yes ☑ No ☐

If yes, was this rule previously reviewed and approved under the emergency provisions of the Arkansas Administrative Procedure Act? Yes ☐ No ☑

If yes, what was the effective date of the emergency rule? _____

On what date does the emergency rule expire?_____

5. Is this rule required to comply with a *federal* statute, rule, or regulation? Yes ☐ No ☑

If yes, please provide the federal statute, rule, and/or regulation citation.

6. Is this rule required to comply with a *state* statute or rule? Yes ☑ No ☐

If yes, please provide the state statute and/or rule citation.

Act 1009 of 2025

7. Are two (2) rules being repealed in accord with Executive Order 23-02? Yes ☐ No ☑

If yes, please list the rules being repealed.
If no, please explain.

See attached.

8. Is this a new rule? Yes ☑ No ☐

Does this repeal an existing rule? Yes ☐ No ☑
If yes, the proposed repeal should be designated by strikethrough. If it is being replaced with a new rule, please attach both the proposed rule to be repealed and the replacement rule.

Is this an amendment to an existing rule? Yes ☐ No ☑
If yes, all changes should be indicated by strikethrough and underline. In addition, please be sure to label the markup copy clearly as the markup.

9. What is the state law that grants the agency its rulemaking authority for the proposed rule, outside of the Arkansas Administrative Procedure Act? Please provide the specific Arkansas Code citation(s), including subsection(s).

Act 1009 of 2025; Arkansas Code § 8-1-203.

10. Is the proposed rule the result of any recent legislation by the Arkansas General Assembly?
Yes ☑ No ☐

If yes, please provide the year of the act(s) and act number(s).

Act 1009 of 2025

11. What is the reason for this proposed rule? Why is it necessary?

The proposed rule is required by Act 1009 of 2025. It will standardize and clarify the current permitting requirements for land application of industrial waste and associated waste storage activities.

This proposed rule will ensure regulatory consistency and clarity for those entities engaged in these activities.

The proposed rulemaking establishes the requirements for permit applications. It also provides the actions required to demonstrate compliance with a permit issued pursuant to this rule, including monitoring, record keeping, and training requirements for the permittee. The proposed rule also establishes the requirements for permitted temporary and permanent waste storage, including the requirements for closure of any waste storage facility. It includes penalties for violations of permits and provides for the possible revocation of a permit for certain violations.

12. Please provide the web address by which the proposed rule can be accessed by the public as provided in Ark. Code Ann. § 25-19-108(b)(1).

https://www.adeq.state.ar.us/regs/draft_regs.aspx

13. Will a public hearing be held on this proposed rule? Yes ☑ No ☐

If yes, please complete the following:

Date: 01/05/2027

Time: 2:00 pm

Place: Commission Room, E&E Headquarters, 5301 Northshore Drive, North Little Rock, AR 72218

Please be sure to advise Bureau Staff if this information changes for any reason.

14. On what date does the public comment period expire for the permanent promulgation of the rule? Please provide the specific date. 01/20/2027

15. What is the proposed effective date for this rule? June 1, 2027

16. Please attach (1) a copy of the notice required under Ark. Code Ann. § 25-15-204(a)(1) and (2) proof of the publication of that notice.

17. Please attach proof of filing the rule with the Secretary of State, as required by Ark. Code Ann. § 25-15-204(e)(1)(A).

18. Please give the names of persons, groups, or organizations that you anticipate will comment on these rules. Please also provide their position (for or against), if known.

Denali Water Solutions LLC and similar companies: DEQ expects that these companies are generally supportive of the rules, but it is likely that they will have some comments or requested changes to specific provisions in the rule. Individuals opposed to DEQ issuing these permits may comment on the rule.

19. Is the rule expected to be controversial? Yes ☑ No ☐

If yes, please explain.

There has been a significant amount of public interest in the activities of Denali Water Solutions LLC in the areas near Fort Smith. Since this rule addresses DEQ's permitting of the facilities and operations that generated that interest, DEQ expects increased public interest in this rulemaking. DEQ will have an opportunity to address any concerns raised during the public comment period.

Answers to BLR Questionnaire

Question 7:

The Pollution Control and Ecology Commission is given the power to adopt, modify, or repeal rules implementing substantive statutes charged to the Division of Environmental Quality for administration. See Ark. Code Ann. §§ 8-1-203. Pollution Control and Ecology Commission rules are necessary for the Division of Environmental Quality to implement Arkansas' environmental laws and the environmental programs delegated to the State of Arkansas by the responsible federal agencies.[1]

The repeal of two rules would jeopardize DEQ's ability to implement Arkansas' environmental laws and Arkansas' ability to maintain environmental programs delegated to the State of Arkansas. The loss of a rule that implements Arkansas' environmental laws would eliminate protections provided to the citizens of Arkansas by Arkansas' environmental laws. In some cases, that loss could impact Arkansas' ability to implement its federally delegated environmental programs. If that happened, EPA could become the regulatory authority administering that program in Arkansas.

This proposed rule is required by Act 1009 of 2025, and it will standardize the permitting requirements for these land application activities.

[1] Arkansas's environmental laws authorize DEQ to maintain and implement those environmental programs that have been delegated to the State of Arkansas by the responsible federal agencies.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY.

DEPARTMENT Energy & Environment, Division of Environmental Quality
BOARD/COMMISSION
PERSON COMPLETING THIS STATEMENT Stacie Wassell
TELEPHONE NO. (501) 682-0886 **EMAIL** stacie.wassell@arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the Financial Impact Statement and email it with the questionnaire, summary, markup and clean copy of the rule, and other documents. Please attach additional pages, if necessary.

TITLE OF THIS RULE 8 CAR pt. 28, "Rules for Land Application of Waste and Waste Storage."

1. Does this proposed, amended, or repealed rule have a financial impact?
   Yes [✔] No [ ]

2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?
   Yes [✔] No [ ]

3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes [✔] No [ ]

   If no, please explain:

   (a) how the additional benefits of the more costly rule justify its additional cost;

   (b) the reason for adoption of the more costly rule;

   (c) whether the reason for adoption of the more costly rule is based on the interests of public health, safety, or welfare, and if so, how; and

   (d) whether the reason for adoption of the more costly rule is within the scope of the agency's statutory authority, and if so, how.

4. If the purpose of this rule is to implement a *federal* rule or regulation, please state the following:

   (a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year	**Next Fiscal Year**
General Revenue_____	General Revenue_____
Federal Funds_____	Federal Funds_____
Cash Funds_____	Cash Funds_____
Special Revenue_____	Special Revenue_____
Other (Identify)_____	Other (Identify)_____
Total_____	Total_____

(b) What is the additional cost of the state rule?

Current Fiscal Year	**Next Fiscal Year**
General Revenue_____	General Revenue_____
Federal Funds_____	Federal Funds_____
Cash Funds_____	Cash Funds_____
Special Revenue_____	Special Revenue_____
Other (Identify)_____	Other (Identify)_____
Total_____	Total_____

5. What is the total estimated cost by fiscal year to any private individual, private entity, or private business subject to the proposed, amended, or repealed rule? Please identify those subject to the rule, and explain how they are affected.

Current Fiscal Year $ 0.00 **Next Fiscal Year** $ 0.00

This proposed rule would standardize and clarify the current permitting requirements for land application activities. Any difference in the cost for compliance with the proposed rule depends on each entity's compliance with its current permitting requirements. DEQ intends that the difference between the current cost of complying with permits and permits issued under this proposed rule will be negligible. DEQ expects comments from permittees on this topic and to update its analysis at that time.

6. What is the total estimated cost by fiscal year to a state, county, or municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year $ 0.00 **Next Fiscal Year** $ 0.00

This proposed rule would standardize and clarify the current permitting requirements for land application activities. Any difference in the cost for compliance with the proposed rule depends on each entity's compliance with its current permitting requirements. DEQ intends that the difference between the current cost of complying with permits and permits issued under this proposed rule will be negligible. DEQ expects comments from permittees on this topic and to update its analysis at that time.

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars ($100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes ☐ No ☑

If yes, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

(1) a statement of the rule's basis and purpose;

(2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;

(3) a description of the factual evidence that:
(a) justifies the agency's need for the proposed rule; and
(b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;

(4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;

(5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;

(6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and

(7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
(a) the rule is achieving the statutory objectives;
(b) the benefits of the rule continue to justify its costs; and
(c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.

ARKANSAS POLLUTION CONTROL & ECOLOGY COMMISSION
ECONOMIC IMPACT/ENVIRONMENTAL BENEFIT ANALYSIS

Rule Number & Title:
8 CAR pt. 28
Rules for Land Application of Waste and Waste Storage

Petitioner: Division of Environmental Quality

Contact Person: Stacie Wassell

Contact Phone: 501-682-0886

Contact Email: stacie.wassell@arkansas.gov

Analysis Prepared by: Stacie Wassell and Basil Hicks

Date Analysis Prepared: February 2026

2A. ECONOMIC IMPACT

1. Who will be affected economically by this proposed rule?
State: a) the specific public and/or private entities affected by this rulemaking, indicating for each category if it is a positive or negative economic effect; and b) provide the estimated number of entities affected by this proposed rule.

a) Entities engaged in the land application of industrial wastes, biosolids, treated effluent, and water treatment residuals, examples include Denali Water Solutions, LLC, HydroAg Environmental, LLC. Other entities that have these permits include publicly owned wastewater treatment plants, water treatment plants, and other industries.

The economic impact is uncertain because it will depend on the permittee's current compliance with its permits. DEQ intends that the difference between the current cost of complying with permits and permits issued under this proposed rule will be negligible. The proposed rule will require some additional documentation of compliance with the permit conditions; however, the proposed rule will provide clarity and certainty to the regulatory requirements for these permits.

DEQ expects to receive comments on this issue from the permittees and from members of the public interested in the permittees complying with these permits.

b) DEQ has issue approximately 100 permits for these land application activities. The majority of those permits were issued to Denali Water Solutions, LLC and HydroAg Environmental, LLC, and the remainders were issued to entities with one or two permits.

2. What are the economic effects of the proposed rule?
State: a) the estimated increased or decreased cost for an average facility to implement the proposed rule; and b) the estimated total cost to implement the rule.

a) DEQ believes that some entities might incur some increased cost because the proposed rule will standardize permit requirements and requirements for documenting compliance with the permit conditions. The increase in cost will depend on the permittee's current compliance with its permits and its documentation processes. DEQ intends that the difference between the current cost of complying with permits and permits issued under this proposed rule will be negligible.

   A benefit of this proposed rule will be that it provides clarity and certainty to the regulatory requirements for these permits.

b) The cost of implementing this proposed rule should not be significantly different from the cost of implementing DEQ's current permitting requirements for these land application and storage activities.

3. List any fee changes imposed by this proposal and justification for each.

The proposed rule does not change the permit fees for these permits.

4. What is the probable cost to DEQ in manpower and associated resources to implement and enforce this proposed change, and what is the source of revenue supporting this proposed rule?

The cost of implementing this proposed rule should not be significantly different from the cost of implementing the Division's current permitting requirements for these land application and storage activities.

Permitting of these activities is funded through permit fees.

5. Is there a known beneficial or adverse impact to any other relevant state agency to implement or enforce this proposed rule? Is there any other relevant state agency's rule that could adequately address this issue, or is this proposed rulemaking in conflict with or have any nexus to any other relevant state agency's rule? Identify state agency and/or rule.

Not applicable.

6. Are there any less costly, non-regulatory, or less intrusive methods that would achieve the same purpose of this proposed rule?

No. This proposed rule is required pursuant to Act 1009 of 2025.

2B. ENVIRONMENTAL BENEFIT

1. What issues affecting the environment are addressed by this proposal?

The proposed rule will provide clarity and certainty to the regulatory requirements for permits authorizing the land application and storage of wastes by standardizing the permit conditions.

Generally, the proposed rule will provide consistency of permitting by standardizing the conditions for these permits. It will provide transparency through better documentation of compliance with the permit conditions. The proposed rule will also provide more defensible permits by providing clarity and certainty to the regulatory requirements for permits authorizing the land application and storage of wastes.

2. How does this proposed rule protect, enhance, or restore the natural environment for the well-being of all Arkansans?

The proposed rule incorporates the current conditions and best practices currently in DEQ-issued permits for these activities. DEQ has worked with permittees to develop clear and consistent permit conditions that will minimize any environmental impacts from these activities. Incorporating these conditions into a rule will provide a more protective permitting program for these activities.

3. What detrimental effect will there be to the environment or to the public health and safety if this proposed rule is not implemented?

Pursuant to Act 1009 of 2025, DEQ is required to propose this rule for permitting land application and storage activities currently subject to DEQ-issued permits.

4. What risks are addressed by the proposal and to what extent are the risks anticipated to be reduced?

By providing clarity and certainty to the regulatory requirements for permits authorizing the land application and storage of wastes, this proposed rule will reduce the risk of permit violations that could harm the environment or impact public health. Those same requirements will also provide permittees with greater regulatory certainty so that they can better prepare for and achieve permit compliance.

ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

SUBJECT: Petition to Initiate Rulemaking - 8 CAR pt. 28

Docket No. 26-002-R

MINUTE ORDER NO. 26-____

On November 20, 2026, the Arkansas Department of Energy and Environment, Division of Environmental Quality ("DEQ") filed a Petition to Initiate Rulemaking to Approve Promulgation of 8 CAR pt. 28, "Rules for Land Application of Waste and Waste Storage." The Petition has been designated as Docket No. 26-002-R.

The Commission met on December 4, 2026, to review the Petition and institute a rulemaking proceeding to consider adopting the proposed promulgation of 8 CAR pt. 28. The Commission also recommends adoption of the following procedures and schedule:

1. DEQ will file a pdf electronically and the original and three (3) copies of all materials required under this Minute Order.

2. DEQ will publish notice of this rulemaking in a newspaper of general circulation for two (2) consecutive days.

3. A public hearing will be conducted on January 5, 2027, at 2:00 p.m., in the Commission Room, 5301 Northshore Drive, North Little Rock, Arkansas.

4. The period for receiving all written comments concludes ten (10) business days after the date of the public hearing, at 4:30 p.m., on January 20, 2027, unless an extension of time is granted. People submitting written public comments shall submit them to DEQ. DEQ will deliver public comments to the Commission Secretary within ten (10) business days after the close of public comments.

5. After the period for public comment, DEQ shall file with the Commission a Statement of Basis and Purpose and Responsive Summary as required by 8 CAR § 11-814 and by 8 CAR § 11-815. In addition, DEQ shall file a proposed Minute Order deciding this matter.

6. The Commission may consider this matter at the February 2027 meeting, unless the public comment period is extended. The Commission may ask questions of any persons who made oral or written comments.

7. At the Commission meeting, the presentation of oral statements and legal arguments will be regulated as follows:

Exhibit F

a. The Chair of the Commission will permit members of the public to make a statement to the Commission. No more than three (3) minutes will be allowed for each statement. The period for statements will close at the end of one (1) hour, or sooner if all interested people have completed their statements. At the discretion of the Chair, the one (1) hour oral statement period may be extended.

b. At the discretion of the Chair, an attorney representing one (1) or more individuals, a corporation, or other legal entity, may be permitted five (5) minutes to address the Commission.

c. DEQ shall be permitted ten (10) minutes to address the Commission.

d. At the conclusion of all statements, the Chair will call on each Commissioner for the purpose of asking the attorneys or people sponsoring statements who are present for any questions they have. Attorneys will not be permitted to respond or ask follow-up questions of any person questioned by a Commissioner.

e. After each Commissioner has had an opportunity to ask questions, the Chair will entertain a motion on the matter, allow discussion, and call for a vote of the Commission members.

8. Pursuant to Reg. 8.812, DEQ shall prepare an economic impact and environmental benefit analysis based on information that is reasonably available.

9. DEQ shall seek review of the proposed rule from the Joint Interim Committee on Administrative Rules of Legislative Council, and if required, the Joint Interim Committee on Public Health and Welfare and Labor. If the General Assembly is in session and chooses to review the proposed rule amendments, DEQ may seek review by the designated committees and subcommittees.

The Commission hereby initiates the rulemaking proceeding in this docket. The Commission adopts, without modification, the procedural schedule set forth above.

BY: _____
Thomas H. McWilliams, Chairman

COMMISSIONERS:

_____ B. Batton	**_____ T. McWilliams**
_____ W. Eckert	**_____ W. Ward**
_____ R. McMullen	

_____SUBMITTED BY: Basil V. Hicks, III PASSED: 12/04/2026
Thomas H. McWilliams, Chairman

Exhibit F

ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

IN THE MATTER OF FAIRVIEW SOLAR PROJECT, LLC	)))	**DOCKET NO. 26-002-P** **ORDER NO. 4**

RECOMMENDED DECISION

Appearances: Christen Lane, *pro se*; Basil Hicks for the Division of Environmental Quality

1. INTRODUCTION

On September 6, 2026, Petitioner Christen Lane, *pro se*, ("Petitioner") filed a Request for Hearing ("Request for Hearing") with the Arkansas Pollution Control and Ecology Commission ("Commission") seeking Commission review of the Fairview Solar Project, LLC / Urban Grid Solar Projects, LLC, Ampirical Solutions LLC, & Saline Silvia LP ("Fairview Solar") solar farm. On October 2, 2026, the Division of Environmental Quality (DEQ) filed a Motion to Dismiss and Brief in Support. On October 9, 2026, Petitioner filed her Response to DEQ's Motion to Dismiss, and on October 15, DEQ filed its Reply. On October 16, 2026, Petitioner filed a Supplemental Brief in opposition to DEQ's Reply. On November 3, 2026, DEQ filed a Supplemental Motion to Dismiss, and on November 5, 2026, Petitioner filed her Response to DEQ's Supplemental Motion to Dismiss. Petitioner also filed a Motion for Leave to Amend her original Request for Hearing on November 5, 2026.

Although not relevant to the merits of DEQ's Motion to Dismiss, on October 12, 2026, Petitioner filed a Request for Temporary Stay with the Commission. Petitioners' Request for Stay resulted in numerous arguments and exhibits being introduced by the parties, but the ALJ is not and cannot consider the exhibits that were attached to those pleadings or the arguments raised in support of, or in opposition to, the request for stay in deciding this Motion.

2. BURDEN OF PROOF

In a motion to dismiss a petitioner's request for hearing is to be liberally construed, and all reasonable inferences must be resolved in favor of the petitioner. Ark. R. Civ. Pro. 12(b)(6); *Born v. Hosto & Buchan, PLLC, 2010 Ark. 292, 372 S.W.3d 324 (2010).*

3. FINDINGS OF FACT

1. The Construction General Permit (CGP), NPDES General Permit No. ARR150000, is a statewide general permit that authorizes stormwater discharges associated with construction activity at small and large construction sites in Arkansas. Ark. Code Ann. § 8-4-203(m)(1)(A); ARR150000. *DEQ Brief in Support of Motion to Dismiss at p. 2.*

2. "Permitting decision" means a final administrative decision by the Director of DEQ or the director's delegatee on: (A) All applications for: (i) Permits; (ii) Permit renewals; (iii) Major modifications; (iv) Minor modifications; (v) Administrative permit

amendments; (vi) Permit revocations; (vii) Interim authority and temporary variances; (viii) Construction permits; and (ix) Transfers; (B) Closure/post closure plan approvals and modifications; (C) The calculation of permit fees; (D) Exemptions, variances, and waivers; (E) Certifications or licenses; (F) Bond reductions or releases; and (G) Specific conditions imposed on permits. *8 CAR § 11-103(28); DEQ Brief in Support of Motion to Dismiss at p. 3.*

3. Ark. Code Ann. § 8-4-203(m)(4)(A) states: "[o]nly those persons that submit comments on the record during the public comment period shall have standing to appeal the decision of the division to the commission." *DEQ Brief in Support of Motion to Dismiss at p. 3.*

4. On May 4, 2021, DEQ issued a permitting decision for its renewal of the CGP, NPDES General Permit No. ARR150000, with an effective date of November 1, 2021, and an expiration date of October 21, 2026. *DEQ Brief in Support of Motion to Dismiss at p. 4.*

5. On August 10, 2025, DEQ published for public comment the draft renewal permit for ARR150000. The public comment period ended on September 9, 2025. *DEQ Brief in Support of Motion to Dismiss at p. 4.*

6. Petitioner did not comment on the draft permitting decision for the CGP during the 2025 public comment period, and on January

6, 2026, DEQ issued a final permitting decision for its renewal of the CGP, NPDES General Permit No. ARR150000, with an effective date of November 1, 2026, and an expiration date of October 21, 2031. *DEQ Brief in Support of Motion to Dismiss at p. 4.*

7. DEQ's issuance of the CGP on January 6, 2026, was a final permitting decision as defined in 8 CAR § 11-103(28). *DEQ Brief in Support of Motion to Dismiss at p. 4.*

8. On July 24, 2026, Fairview Solar submitted a Notice of Intent (NOI) to DEQ for coverage under the CGP. *DEQ Brief in Support of Motion to Dismiss at p. 4.*

9. A NOI is not an application for a permit. A NOI is notification to DEQ that an operator intends to operate under the coverage of a general permit issued by DEQ. *DEQ Brief in Support of Motion to Dismiss at p. 4.*

10. Fairview Solar's project consists of a Large Construction Site. To obtain coverage under the CGP, operators of Large Construction Sites (greater than or equal to 5 acers) are required to submit written notification to DEQ at least ten (10) business days prior to commencing construction activities. ARR150000, Part I.B.6.B. *DEQ Brief in Support of Motion to Dismiss at p. 4.*

11. This written notification for Large Construction Sites must include a NOI, a completed Stormwater Pollution Prevention Plan (SWPPP) compliant with all permit requirements and conditions,

and payment of the permit fee. *ARR150000, Part I.B.6.B. 23; DEQ Brief in Support of Motion to Dismiss at p. 5.*

12. On August 25, 2026, DEQ provided Fairview Solar with a Notice of Coverage (NOC) for the CGP and assigned the Fairview Solar site the Permit Tracking No. ARR159198. *DEQ Brief in Support of Motion to Dismiss at p. 4.*

13. On September 6, 2026, Petitioner sent an email to the Commission's Secretary titled a "Request for Commission Review and Adjudicatory Hearing" regarding "Fairview Solar Project, LLC / Urban Grid Solar Projects, LLC, Ampirical Solutions LLC, & Saline Silvia LP Permit No. Construction General Permit ARR150000 Permit Tracking No. ARR159198" ("Request for Hearing"). *Petitioner's Request for Hearing at p. 1.*

14. On November 3, 2026, DEQ filed a Supplemental Motion to Dismiss. *DEQ Supplemental Motion to Dismiss at p. 1.*

15. On November 5, 2026, Petitioner filed a Response to DEQ's Supplemental Motion to Dismiss. *Petitioner's Response to DEQ's Supplemental Moton to Dismiss at p. 1.*

16. On the same date, November 5, 2026, Petitioner also filed a Motion for Leave to Amend her Request for Hearing. *Petitioner's Motion for Leave to Amend at p. 1.*

3. DISCUSSION AND CONCLUSIONS OF LAW

A. Petitioner Is Time Barred And Lacks Standing To Challenge General Permit ARR150000

DEQ argues, among numerous other points, if Petitioner is attempting to challenge the issuance of the 2021 CGP No. ARR150000, that challenge is too late and is time barred. As noted by DEQ, the issuance of the CGP was January 6, 2026, and Petitioner filed her Request for Hearing on September 6, 2026. *DEQ Brief in Support of Motion to Dismiss at p. 4.*

In her Response Petitioner states she is not "challenging, modifying, or appealing the broad text, statewide conditions, or general issuance of the base CGP ARR150000." *Petitioner's Response at p. 1.* Petitioner maintains she is appealing the "Director's site-specific, localized administrative decision executed on August 25, 2026, which granted a customized Notice of Coverage (NOC) and assigned Permit Tracking No. ARR159198 (AFIN No. 02-02958) to Fairview Solar Project, LLC." *Petitioner's Response at p. 1.* Even DEQ seems to agree that what is being challenged in this appeal is DEQ's August 25, 2026, decision to grant Fairview Solar a NOC under CGP ARR150000 ("Petitioner is attempting to challenge an NOC dated August 25, 2026, which DEQ provided to Fairview Solar Project, LLC"). *DEQ Brief in Support of Motion for Summary Judgment at p. 9.*

DEQ also asserts that Petitioner lacks standing to appeal the 2021 CGP ARR150000 because all general permits are subject to the

public notice and comment procedures set forth in Ark. Code Ann. § 8-4-203(e). Ark. Code Ann. § 8-4- 203(m)(2)(A) and "[o]nly those persons that submit comments on the record during the public comment period shall have standing to appeal the decision of the division to the commission." Ark. Code Ann. § 8-4-203(m)(4)(A). Petitioner fails to squarely address this point but does claim she commented on the NOC granted to Fairview Solar. According to Petitioner, she submitted comments on the proposed NOC "a full thirty (30) days prior to the Director's August 25, 2026," decision. *Petitioner's Response at p. 2.* Nonetheless, Petitioner did not rebut the claim that she failed to comment on the decision of DEQ to issue CGP ARR150000.

The ALJ will not delve into the many other issues raised by DEQ in its claims that any appeal of the 2021 CGP ARR150000 should be dismissed. The ALJ agrees with DEQ and the Petitioner that what is being challenged in this appeal is DEQ's August 25, 2026, decision to grant Fairview Solar a NOC under CGP ARR150000. In hindsight, this matter should probably have been docketed as a miscellaneous Commission docket instead of a permit docket.

B. Can Petitioner Appeal The NOC Granted To Fairview Solar

DEQ asserts in its Motion that "[n]either the Commission's Rules or their authorizing statutes provide a procedural process for Petitioner to challenge a notice of coverage under a general

permit for a specific entity." *DEQ Brief in Support of Motion to Dismiss at p. 8.* DEQ argues the prohibition of Commission review of a DEQ NOC decision is "consistent with the Commission's previous determination that a Petitioner does not have the right to appeal a notice of coverage under a general permit using the Commission's permit appeal procedures, as set forth in 8 CAR pt. 11. See Commission Docket No. 02-007-P, Order No. 5." *DEQ Brief in Support of Motion to Dismiss at p. 8.*

In Response, Petitioner avers that when DEQ reviews an applicant's NOI and issues a NOC, DEQ is "granting a specific authorization to disturb soil and alter storm hydrology at a localized geographic footprint." *Petitioner's Reply at p. 5.* Petitioner argues that a DEQ decision granting a NOC is the legal equivalent of granting a license or permit certification under sub-sections (A)(i) and (E) of 8 CAR § 11-203 and because the Division issued Fairview Solar a NOC, the approval of the NOC is a final, reviewable permitting decision properly before this Commission. *Petitioner's Response at p. 5.*

At the outset, the ALJ is confused by Petitioner's citation to 8 CAR § 11-203 which applies to permit application procedures, not NOC procedures. The ALJ is equally confused by Petitioner's argument that granting an applicant a NOC is a "permitting decision properly before this Commission" when she also argued that she is not appealing the CGP but the "Director's site-specific, localized

administrative decision executed on August 25, 2026, which granted a customized Notice of Coverage (NOC)." *Petitioner's Response at pp. 1-5.*

In terms of DEQ's claim that Petitioner does not have the right to appeal a notice of coverage under a general permit, and DEQ's citation to Commission Docket No. 02-007-P, DEQ is correct because that docket contains a Recommended Decision, Order No. 5, that held that a NOC letter is not an appealable permitting decision (The AHO concludes that the October 29, 2002, [NOC] letter is not a permitting decision and that Petitioners do not have standing to appeal). This ALJ agrees that DEQ granting a NOC is not a permitting decision. But this ALJ also believes that granting a NOC to an applicant is a final agency action, and notes that other jurisdictions have allowed challenges to NOC decisions. Just two examples of cases where coverage under a general permit was reviewed include *Environmental Defense Center v. EPA*, 344 F.3d 832 (9th Cir. 2003) and *Northern Plains Resource Council v. Fidelity Exploration & Development Co.*, 325 F.3d 1155 (9th Cir. 2003). Despite this, the ALJ also agrees that the current administrative procedures set forth in 8 CAR § 11-101 *et seq.*, and Arkansas law, are silent on the reviewability of a DEQ NOC decision. The Arkansas Supreme Court has ruled in numerous cases that an administrative agency is a creature of the General Assembly with its power and authority limited to that which the legislature

confers upon it by statute or by rule. *Arkansas Gas Consumers, Inc. v. Arkansas Public Service Commission*, 354 Ark. 37, 118 S.W.3d 109 (2003). Because the Commission can only act if provided with the authority to do so, a careful reading of Arkansas law and the Commission's administrative rule demonstrates that the current Commission appeal regime is void of specific language regarding the Commission's legal ability to review a DEQ NOC determination.

C. Petitioner's Appeal Is Moot

As stated in Findings of Fact paragraph fourteen (14), on November 3, 2026, DEQ filed a Supplemental Motion to Dismiss in this docket. *DEQ Supplemental Motion to Dismiss at p. 1.* Petitioner filed her Response to DEQ's Supplemental Motion to Dismiss on November 5, 2026. In its Supplemental Motion to Dismiss, DEQ contends that because the 2021 CGP would have expired at the end of October 2026, DEQ began renewal of the general permit, and on January 6, 2026, issued a final permitting decision for renewal of the CGP, with an effective date of November 1, 2026, and an expiration date of October 31, 2031 ("2026 CGP"). *DEQ Supplemental Motion to Dismiss at p. 3.* As a result, on August 25, 2026, Fairview Solar submitted a new NOI for coverage under the renewed 2026 CGP, and on October 30, 2026, DEQ provided Fairview Solar with a new NOC under the 2026 CGP, effective until October 31, 2031. *DEQ Supplemental Motion to Dismiss at p. 4.* According to DEQ, this makes Petitioner's Request for Hearing moot. *DEQ Supplemental*

Motion to Dismiss at p. 4. Petitioner points out that under Arkansas law, recurring issues of vital public interest that are "capable of repetition, yet evading review" are not dismissed as moot and cites to *Arkansas Dep't of Hum. Servs. v. Ledgerwood*, 2019 Ark. 100 for this claim.

The ALJ believes that DEQ's Supplemental Motion to Dismiss would have been better suited as one for Summary Judgment. At this stage of this appeal allowing the ALJ to review exhibits so the ALJ could better track the timeline and the arguments DEQ has raised regarding its mootness claim would have carried more weight instead of a supplement with bare allegations. For that reason, the ALJ declines to address DEQ's mootness argument.

IT IS THEREFORE ORDERED:

1. Because the Commission's rules nor the Commission's authorizing statutes provide clear language that addresses a procedural process for Petitioner to challenge a DEQ notice of coverage decision, the ALJ grants DEQ's Motion to Dismiss.

2. Because the ALJ has granted DEQ's Motion to Dismiss, the Petitioner's Motion for Leave to Amend her Request for Hearing has been rendered a nullity.

RECOMMENDATION

It is the recommendation of the ALJ that the Arkansas Pollution Control and Ecology Commission adopt and affirm, without

modification, the findings of fact and conclusions of law set out in the above Recommended Decision.

IT IS SO ORDERED

This 6th day of November 2026

Charles Moulton
Administrative Law Judge

CERTIFICATE OF SERVICE

I, Patricia Goff, Legal Services Specialist, hereby certify that a copy of the foregoing Order No. 4, In the Matter of Fairview Solar Project, LLC; Docket No. 26-002-P, has been mailed by certified mail, by email, or by first class mail, postage prepaid, to the following parties of record, this 6th day of November 2026.

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ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

Fairview Solar Project, LLC

Docket No. 26-002-P

MINUTE ORDER NO. 26-

On November 6, 2026, Charles Moulton, Administrative Law Judge (ALJ), issued Order No. 4 ("Recommended Decision") in Docket No. 26-002-P, which is a case styled: In the Matter of Fairview Solar Project, LLC.

Order No. 4 grants the Arkansas Division of Environmental Quality's Motion to Dismiss.

The record compiled in this docket by the ALJ came before the Commission at its December 4, 2026, meeting. After considering the matter and the records the Commission finds as follows:

1. The Commission affirms the ALJ's adoption by reference of the findings of fact and conclusions of law set forth in Order No. 4 and the Commission closes this docket.

COMMISSIONERS

_____ B. Batten
_____ A. Eckert
_____ R. McMullen, PhD
_____ L. Wilson
_____ M. Callan
_____ M. Ford (W. Ward)
_____ T. McWilliams

_____ SUBMITTED BY: Charles Moulton PASSED: 12/04/26
Thomas McWilliams, Chair

DIVISION OF
ENVIRONMENTAL QUALITY

Sarah Huckabee Sanders
GOVERNOR

Shane E. Khoury
SECRETARY

Memorandum

To: **Commissioners**
Arkansas Pollution Control and Ecology Commission

From: **Bryan Leamons, Deputy Director, Office of Land Resources, DEQ**

Date: **October 15, 2026**

Subject: **Petroleum Storage Tank Trust Fund Quarterly Report September 30, 2026**

Pursuant to Ark. Code Ann. §8-7-906(g)(3), the Commission shall review the balance of the Arkansas Petroleum Storage Tank (PST) Trust Fund, as adjusted to reflect the obligations and liabilities of the fund, at least quarterly and report the rate of collection for the fee for the upcoming quarter to the Administrator. The environmental assurance fee is currently being collected at the maximum rate of three-tenths of one cent (0.3¢ or $0.003) per gallon on motor fuel and distillate special fuel purchased in or imported into Arkansas. Income for the last quarter totaled $2,502,026.55. PST Trust Fund expenses for the last quarter totaled $2,858,137.51.

The Office of Land Resources (OLR) submits the attached financial status report in compliance with Arkansas law.

ARKANSAS
ENERGY & ENVIRONMENT

Division of Environmental Quality | Office of Land Resources | Petroleum Storage Tank State Trust Fund

Financial Status Report for Period Ending September 30, 2026

I.	**Fund balance on**	September 1, 2026	$ 50,207,100.43
II.	**Receipts**		
1.	Previously reported	$ 236,080,791.77	
a.	Monthly Environmental Fee	$ 688,393.98	
2.	Interest previously reported	$18,149,176.37	
a.	Monthly investment interest	$ -	
3.	**Total monthly receipts (1a+2a)**	$ 406,889.78	
	Total interest to date		$ 18,149,176.37
	Total receipts to date		$ 236,487,681.55
III.	**Expenditures**		
1.	Previously reported	$ 185,873,691.34	
2.	**Total monthly expenditures**	$ 123,680.77	
	Total expenditures to date		$ 185,997,372.11
IV.	**Fund balance on**	**September 30, 2026**	$ 50,490,309.44
V.	**Total Investments on**	September 30, 2026	$ 42,372,000.00
VI.	**Funds available on**	September 30, 2026	$ 8,118,309.44

STATUS OF TRUST FUND

* Provided by OLR - Petroleum Storage Tank Division

	9/30/2026	$ 50,490,309.44
Reserve for emergency projects		$ 350,000.00
Current claims received		$ 1,580,264.11
Claims approved but unpaid		$ 263,941.74
Other corrective action obligations (estimated)		$ 19,236,804.87
Orphan Sites -Corrective action obligations (estimated)		$ 12,288,041.00
Potential third party obligations (estimated)		$ 985,000.00
Adjusted balance		$ 15,786,257.72

Skochu Fields
Assistant Controller

ARKANSAS
ENERGY & ENVIRONMENT

To: Arkansas Pollution Control and Ecology Commission

From: Bailey Taylor, Chief Administrator, Environment BWT

Date: November 1, 20206

Please find the following list of permits issued during the Month of October 2026

Permit Type	Permit Number	Permittee	Permit Issuance Date	Description of Permitting Action
Air	2341-AOP-R8	Highland Pellets, LLC	10/29/2026	Title V/Major Source Permit - Significant Modification - Highland Pellets, LLC - increase the production limit in PC-8 from 685,000 metric tons of pellets per consecutive 12-month period to 900,000 metric tons of pellets per consecutive 12-month period.
Air	2274-AR-6	Huber Specialty Hydrates, LLC	10/29/2026	Minor Source Permit - De Minimis - Huber Specialty Hydrates, LLC - add the temporary package boiler to the permit (proposed as SN-46BL01T).
Air	0263-AOP-R18	Entergy Arkansas, LLC - White Bluff Plant	10/27/2026	Title V/Major Source Permit - Significant Modification - Entergy Arkansas, LLC - White Bluff Plant - is proposing to build a new natural gas-fired 1x1 combined cycle power plant in Redfield, Jefferson County, Arkansas.
Air	1708-AR-8	SGL Composites Inc	10/26/2026	Minor Source Permit - De Minimis - SGL Composites Inc - emission rates for the Rimar Process (SN-02) to reflect performance testing of the source and establishing a potential to emit.

Permit Type	Permit Number	Permittee	Permit Issuance Date	Description of Permitting Action
Air	2235-AOP-R2	Lexicon, Inc.	10/26/2026	Title V/Major Source Permit - Renewal of Existing Permit - Lexicon, Inc. - Title V Renewal
Air	2511-A	Merrill Iron & Steel, Inc.	10/22/2026	Minor Source Permit - Initial (New) Permit - Merrill Iron & Steel, Inc. - New
Air	1779-AOP-R11	Greenbrier Central, LLC	10/19/2026	Title V/Major Source Permit - Renewal of Existing Permit - Greenbrier Central, LLC - Title V Renewal
Air	0286-AR-5	LANXESS Corporation - West Plant	10/19/2026	Minor Source Permit - De Minimis - LANXESS Corporation - West Plant - requesting to have the use of boiler SN-106 be a permanent option.
Air	2022-AR-10	Lexicon, Inc.	10/15/2026	Minor Source Permit - Significant Modification - Lexicon, Inc. - SN-01A Prospect Steel Building Painting/Coating Operations are being increased from 2 guns to 3 guns and SN-01D Prospect Steel has been updated due to calculation methodology.
Air	2509-A	SWA Lithium LLC	10/13/2026	Minor Source Permit - Initial (New) Permit - SWA Lithium LLC - New Facility
Air	0762-AOP-R36	Albemarle Corporation - South Plant	10/7/2026	Title V/Major Source Permit - Minor Modification - Albemarle Corporation - South Plant - requesting to replace the existing Phone/Admin Backup #1 emergency engine (SN-MS-08-05) with a new natural gas/LPG-fired 86 hp emergency engine.
Air	2318-AR-3	Glencore Recycling LLC	10/5/2026	Minor Source Permit - Administrative Amendment - Glencore Recycling LLC - Add the Briquetting Process Dust Collectors (3) and Silos (6) to the IA list as A-13 sources
Air	2470-AOP-R3	Hybar LLC	10/5/2026	Title V/Major Source Permit - Administrative Amendment - Hybar LLC - change stack height
Air	1154-AOP-R10	Acme Brick Company - Perla Plant	10/1/2026	Title V/Major Source Permit - Administrative Amendment - Acme Brick Company - Perla Plant - Add a rumbler to the insignificant activities list

Permit Type	Permit Number	Permittee	Permit Issuance Date	Description of Permitting Action
Air	2427-A-REG315	Merit Energy Company, LLC - Prairie System CP Cartwright	10/1/2026	Registration - Registration Modification - Merit Energy Company, LLC- Prairie System CP - removed previous engine and replaced with unit SPC-215.
Water	AR0043508C	City of Waldo - Wastewater Treatment	10/28/2026	New State construction permit in Columbia County
Water	AR0050393	WVE Property Owners Association, Inc. -	10/28/2026	Renewal of Individual NPDES discharge permit in Pulaski County
Water	AR0049859	City of Letona - Letona Wastewater Treatment Facility	10/28/2026	Renewal of Individual NPDES discharge permit in White County
Water	AR0038237	City of Moro - City of Moro Sewer System	10/23/2026	Renewal of Individual NPDES discharge permit in Lee County
Water	AR0036331C1	Entergy Arkansas, LLC - White Bluff Power Plant	10/22/2026	New State construction permit in Jefferson County
Water	AR0033863	City of Harrisburg	10/22/2026	Renewal of Individual NPDES discharge permit in Poinsett County
Water	AR0038369	City of Austin	10/21/2026	Renewal of Individual NPDES discharge permit in Lonoke County
Water	AR0034321C1	City of Harrison - Wastewater Treatment Facility	10/21/2026	New State construction permit in Boone County
Water	AR0022241C	City of Danville - Wastewater Treatment Facility	10/21/2026	New State construction permit in Yell County
Water	AR0001830C1	Green Bay Packaging Inc. - Arkansas Kraft Division	10/21/2026	New State construction permit in Conway County
Water	4906-WR-8	Denali Water Solutions, LLC	10/16/2026	Renewal, transfer, and minor modification in Independence County
Water	AR0052922	Management, Inc. - Homestead at the Gap Subdivision	10/14/2026	Renewal of Individual NPDES discharge permit in Faulkner County
Water	AR0044016C1	Arkansas Department of Corrections - North Central Unit	10/1/2026	New State construction permit in Izard County
Water	AR0020273	City of Siloam Springs -	10/1/2026	Renewal of Individual NPDES discharge permit in Benton County
Water	5443-W	HydroAg Environmental, LLC	10/1/2026	New Individual State no-discharge permit in Franklin County
Air	1976-AGP-056	Caleb Hilton, L.L.C. - Friends Forever Pet	10/1/26	Renewal - General Permit For Minor Source Animal or Human Remains
Air	1976-AGP-	River Valley Pet Cremation	10/1/26	Renewal - General Permit For Minor

Permit Type	Permit Number	Permittee	Permit Issuance Date	Description of Permitting Action
Air	1976-AGP-039	Neal & Sons, LTD/Rosewood Cremation	10/6/26	Renewal - General Permit For Minor Source Animal or Human Remains Incinerators
Air	2370-AGP-003	City of Blytheville - Public Works	10/6/26	Renewal - General Permit For Title V Air Curtain Incinerators
Air	1976-AGP-016	Wilcox Family Funeral Home & Crematory, LLC	10/6/26	Renewal - General Permit For Minor Source Animal or Human Remains Incinerators
Air	1976-AGP-093	S.E. Funeral Homes of Arkansas LLC - Gross Funeral Home	10/6/26	Renewal - General Permit For Minor Source Animal or Human Remains Incinerators
Air	1916-AGP-182	APAC Central Inc. - Portable Rock Crusher Plant 10	10/6/26	New Permit - General Permit For Minor Source Rock Crushing Facilities
Air	1868-AGP-125	DeSoto Gathering Company, LLC - Hammerhead CPF-1	10/9/26	Modification This NOI is being submitted for the replacement of (1) Caterpillar G3516 TALE, 1340 hp compressor engine on Unit 6242.
Air	1976-AGP-022	North Little Rock Animal Shelter	10/9/26	Renewal - General Permit For Minor Source Animal or Human Remains Incinerators
Air	1976-AGP-123	Brazzel Funeral Services, LLC	10/15/26	New - General Permit For Minor Source Animal or Human Remains Incinerators
Air	1976-AGP-123	Brazzel Funeral Services, LLC	10/15/26	New - General Permit For Minor Source Animal or Human Remains Incinerators
Air	1912-AGP-123	Richard Baughn Construction, Inc.	10/21/26	New - General Permit For Minor Source Hot Mix Asphalt Facilities
Air	1976-AGP-067	Tri-City LLC d/b/a Tri-City LLC Crematory Funeral Home	10/21/26	Renewal - General Permit For Minor Source Animal or Human Remains Incinerators
Air	1976-AGP-077	Family Pet Clinic, P.A.	10/23/26	Renewal - General Permit For Minor Source Animal or Human Remains Incinerators
Air	1868-AGP-464	MMGK Arkoma, LLC- Allen King 1-29 CP	10/23/26	Modification - General Permit For Minor Source Natural Gas Compression Stations
Air	1912-AGP-122	Atlas Asphalt, Inc.	10/26/26	New - General Permit For Minor Source Hot Mix Asphalt Facilities
Air	1912-AGP-122	Atlas Asphalt, Inc.	10/26/26	New - General Permit For Minor Source Hot Mix Asphalt Facilities
Air	1976-AGP-111	Madison County Funeral Service, LLC	10/26/26	Renewal - General Permit For Minor Source Animal or Human Remains Incinerators

Permit Type	Permit Number	Permittee	Permit Issuance Date	Description of Permitting Action
Air	1868-AGP-444	DeSoto Gathering Company, LLC - West Cutthroat CPF-2	10/26/26	Modification - General Permit For Minor Source Natural Gas Compression Stations
Air	1976-AGP-074	Serenity Holding Company, Inc. - A Natural State Funeral Service	10/27/26	Renewal - General Permit For Minor Source Animal or Human Remains Incinerators
Air	1912-AGP-123	Richard Baughn Construction, Inc.	10/28/26	New - General Permit For Minor Source Hot Mix Asphalt Facilities
There were two (2) general permits issued and one (1) individual permit issued during the month of October 2026.				
OLR/SW	0124-TAP-TCC	Grant County TCC	10/13/2026	Issuance of coverage under general permit
OLR/SW	0125-TAP-TCC	J and M Tire TCC	10/26/2026	Issuance of coverage under general permit
OLR/SW	0308-S1-R1	Jefferson County WMA Class 1 Landfill	10/28/2026	Issuance of Final individual permit