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

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

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

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

An operator of a facility eligible for coverage under this general permit, or an entity working on behalf of such a facility, must submit a Notice of Intent (NOI) and other required documentation under Part 1.4 to operate under this general permit. Upon approval of the NOI, the Arkansas Department of Energy and Environment - Division of Environmental Quality (DEQ) will provide a Notice of Coverage (NOC) electronically. The NOC will include DEQ's determination that a facility is covered under this general permit and may specify alternative requirements other than those outlined in the permit, such as the inclusion of additional parameters monitored or alternative sampling frequencies.

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

Effective: April 1, 2027

Expiration Date: December 31, 2036

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| Stacie R. Wassell<br>Deputy Director, Office of Water Quality<br>Arkansas Department of Energy and Environment<br>Division of Environmental Quality | July 21, 2026<br>Issue Date |

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# PART 1
# COVERAGE UNDER THIS PERMIT

## 1.1 Permit Area

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

## 1.2 Eligibility and Authorization

1.2.1 This general permit applies to all operators, new or existing, who intend to, or currently do, dispose of water treatment residuals (WTRs) from potable water treatment plants through land application methods. The WTRs may be produced during filter backwashing operations or as a result of other treatment and processing activities associated with raw or reuse water.

1.2.2 Applicants requesting coverage under this general permit must submit a complete Notice of Intent (NOI) and Waste Management Plan/Nutrient Management Plan (WMP/NMP) to the Division of Environmental Quality (DEQ) and receive a Notice of Coverage (NOC) to land apply WTRs under this general permit as stated in Part 1.4.

## 1.3 Exclusions

The following operations are not eligible for coverage under this general permit, but operators may apply for an individual permit:

1.3.1 Land application of WTRs when such residuals are mixed with any other material or substance, including but not limited to municipal biosolids and industrial by-products or residuals.

The decision to exclude any activity from coverage under the terms of this permit shall be the sole decision of the Director of DEQ. Exclusion from coverage under this general permit in no way prevents an applicant from seeking individual no-discharge permit coverage and shall provide no prejudice on subsequent permitting decisions.

## 1.4 Notification Requirements

1.4.1 Requests for coverage shall be submitted as follows:

1.4.1.1 For existing land application operations covered under the general permit expiring March 31, 2027:

A complete Recertification NOI and WMP/NMP may be submitted upon issuance of this general permit renewal and must be received no later than thirty (30) days prior to the effective date of this general permit renewal.

1.4.1.2 For new land application operations:

A complete NOI and WMP/NMP must be submitted at least thirty (30) business days prior to the date coverage under this general permit is desired.

1.4.1.3 For existing land application operations currently authorized under an individual no-discharge permit:

A complete NOI and WMP/NMP must be submitted at least thirty (30) business days prior to the date coverage under this general permit is desired. Land application operations may continue to be conducted in accordance with the existing individual permit until an NOC is issued under this general permit. Upon issuance of the NOC, the individual permit shall be terminated.

1.4.1.4 The NOI and WMP/NMP shall be submitted by electronic application using SEEK (or any successor system):

https://seek.ee.arkansas.gov/ext/ncore/external/home

Applicants may apply for a waiver from electronic reporting if unable to use the electronic submittal system, as detailed in Part 1.6 of this permit.

1.4.1.5 All NOIs for coverage under this general permit must be signed by and certified in accordance with Part 6.20.

1.4.2 In order to land apply WTR under this general permit, applicants must submit the following items to the Division:

1.4.2.1 A Notice of Intent;

1.4.2.2 A Waste Management Plan/Nutrient Management Plan developed in accordance with Part 3;

1.4.2.3 A Disclosure Statement as required by 8 CAR § 11-204, if applicable; and

1.4.2.4 A permit fee as allowed by 8 CAR pt. 12.

1.4.3 The NOI shall be submitted to DEQ and include, at a minimum, the following information:

1.4.3.1 Operator name, address, and telephone number;

1.4.3.2 Contractor name, address, and telephone number;

1.4.3.3 Consultant name, address, and telephone number (if applicable);

1.4.3.4 The facility SIC Code(s) and facility NAICS Code(s);

1.4.3.5 WTR source(s);

1.4.3.6 Field ID and acreage of each land application site;

1.4.3.7 Location of each land application site, including 911 address or driving directions and latitude and longitude in decimal degrees;

1.4.3.8 Name and distance to the nearest impacted waterbodies;

1.4.3.9 Nearest city, town, or community; and

1.4.3.10 Signature requirements.

1.4.4 A change in ownership or control of a land application site requires submission of an updated land application site list and a complete land use contract.

1.4.5 Upon review of any NOI submitted to DEQ, the Director may deny coverage under this general permit and require the submittal of an individual land application permit.

1.4.6 Except as provided in Part 1.4.7, a permit fee shall accompany the NOI in accordance with 8 CAR pt. 12, as amended. An annual fee shall apply to all facilities covered under this general permit, in accordance with 8 CAR pt. 12, as amended. The annual fee is $500.

1.4.7 Operators submitting a Recertification NOI solely to renew coverage from the previous general permit, or to transfer from an existing active individual permit to the general permit, are not required to submit an application fee with the Recertification NOI, provided the regular annual permit fee has already been paid. However, all outstanding fees owed by the permittee to the Arkansas Department of Energy & Environment must be paid in full prior to issuance of an NOC.

1.4.8 Land application operations covered under this general permit shall maintain a copy of this general permit, the Notice of Coverage, and WMP/NMP at the facility's location.

## 1.5 Continuation of Coverage

If this general permit is not reissued or replaced prior to its expiration date, it will be administratively continued in accordance with the Ark. Code Ann. § 8-4-203, and the terms and conditions of the permit shall remain in effect. If permit coverage was granted prior to the expiration date, operators will automatically remain covered under the continued permit until the earliest of:

1.5.1 Reissuance or replacement of this permit, at which time the operator must submit a recertification NOI and comply with the conditions of the new permit to maintain authorization to land apply WTR from potable water treatment plants;

1.5.2 Submittal of a request to terminate permit coverage;

1.5.3 Issuance of an individual permit for the operator's land application of WTR from potable water treatment plants; or

1.5.4 A formal permit decision by DEQ to not reissue this general permit, at which time operators must seek coverage under an individual permit or another general permit, if available.

## 1.6 Waivers from electronic reporting

1.6.1 Waivers from electronic reporting may be granted under any of the following conditions:

1.6.1.1 If the operational headquarters is physically located in a geographic area (i.e. zip code or census tract) that is identified as under-served for broadcast internet access in the most recent report from the Federal Communications Commission;

1.6.1.2 If available computer access or computer capability is limited; or

1.6.1.3 If the operator is a religious community that choose not to use certain modern technologies.

1.6.2 In order to apply for a waiver from the electronic reporting, the operator must submit the required information outlined below on forms provided by DEQ:

1.6.2.1 Facility name;

1.6.2.2 Permit number, if applicable;

1.6.2.3 Facility address;

1.6.2.4 Name, address, and contact information for the operator;

1.6.2.5 A brief written statement describing the basis for claiming a waiver; and

1.6.2.6 Any other information required by DEQ.

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

## 1.7 Termination of Coverage

The permittee shall submit a Notice of Termination to terminate coverage under this general permit. The permittee will continue to receive annual invoices until permit coverage is terminated. Permit coverage will not be terminated until DEQ notifies the operator.

# PART 2
# LIMITATIONS AND MONITORING REQUIREMENTS

## 2.1 Water Treatment Residuals Analysis and Soils

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

**Table I**
**Water Treatment Residuals Analysis**

| Parameter | Ceiling Concentrations (mg/kg) | Cumulative Pollutant Loading Rate (lb/ac) | Monitoring Frequency |
|---|---|---|---|
| Arsenic | 75 | 37 | Annually, prior to the first application of the calendar year per land application site. |
| Cadmium | 85 | 35 | |
| Copper | 4300 | 1350 | |
| Lead | 840 | 270 | |
| Mercury | 57 | 15 | |
| Molybdenum | 75 | Report | |
| Nickel | 420 | 378 | |
| Selenium | 100 | 90 | |
| Zinc | 7500 | 2520 | |
| Aluminum | Report | Report | |
| Iron | Report | Report | |
| **Parameter** | **Maximum Limit** | **Reporting Units** | **Monitoring Frequency** |
| Total Solids | Report | Percentage (%) | Annually, prior to the first application of the calendar year per land application site. |
| Nitrates | | mg/kg | |
| Total Phosphorus | | | |
| Sulfates[1] | | | |
| Total Potassium | | | |
| pH | | s.u. | |
| Total WTR Applied | 10 | dry tons/acre/year | Each land application event |

[1] This reporting requirement applies only to facilities using aluminum sulfate (alum) in their water treatment processes.

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

[1]If the resulting pH is 5.7 or lower, lime must be applied in accordance with recommendations from the University of Arkansas Cooperative Extension Service. See Part 4.17.
[2]This soil analysis is only required if there has been application of WTR following the last soil analysis.

## 2.2 Activities Prohibited Under the Terms of this General Permit

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

# PART 3
# WASTE MANAGEMENT PLAN AND NUTRIENT MANAGEMENT PLAN REQUIREMENTS

**3.1** The WMP/NMP shall be submitted to DEQ and include, at a minimum, the following information:

3.1.1 Location and identification of the water treatment plant and land application sites, including latitude and longitude in decimal degrees, county, and the 911 address or driving directions for each land application site;

3.1.2 Raw water source(s), such as wells, streams, or lakes for the water treatment plant;

3.1.3 Water treatment plant design capacity and current or anticipated average plant production rates, expressed in million gallons per day (MGD);

3.1.4 Estimated amounts of dry residuals generated that will be stored or settled in tanks, ponds, etc. This calculation shall include the weight of chemicals added during WTR processing (lime, soda ash, flocculants, filter aids, etc.) that will settle out, and it shall also include the suspended solids in the raw water;

3.1.5 Description and volume of WTR storage components;

3.1.6 Method and equipment for loading, transporting, and applying WTR;

3.1.8 Description of the WTR-generating process, including estimates of daily and yearly WTR production volumes;

3.1.9 Description of WTR storage facilities, including location, volume, and construction drawings with design details;

3.1.10 Description of the land application sites and available acreage, accounting for all applicable buffer zones and slope limitations;

3.1.11 Maximum Waste Application Rate Calculations, based on the ten (10) dry tons per acre limit and soil conditions;

3.1.12 A copy of both the USGS topographic quad sheet map and county map showing the location of the facility, and the nearest waterbody, any impaired waterbody with impairments listed, ERW, ESW, NSW, water supplies, dwellings, and property lines. The actual dimensions of the land application area must be delineated on the map. All buffer zones must be shown. Areas with slopes exceeding 15% must be shown on map. Any public water source within a quarter mile of the land application site must be delineated. Any private well within 200 feet of the land application site must also be delineated. In addition, approximate soil series boundaries must be indicated. Any other information deemed relevant by the applicant or DEQ must be provided.

3.1.13 WTR Analysis containing all parameters listed in Part 2 Table I.

3.1.14 Soils Analysis: At least one (1) composite soil sample shall be taken for every forty (40) acres of the land application area, in accordance with permit condition Part 4.13. If more than one sample is taken, values for all samples must be reported. Samples must be analyzed for parameters listed in Part 2 Table II, with results reported in mg/kg unless otherwise specified.

3.1.15 Executed land use agreements between the operator(s) and landowner(s). If the land application sites are owned by the operator, a statement of ownership must be submitted.

3.1.16 For land application sites located in the Nutrient Surplus Area, a copy of the phosphorus index prepared by a Nutrient Management Planner certified by the Arkansas Department of Agriculture must be submitted.

# PART 4
# OTHER CONDITIONS

**4.1** The NOI and WMP/NMP submitted for the implementation of the waste disposal operation are incorporated into this general permit by reference. As a result, all provisions and information contained in these documents become enforceable conditions of the permit. If the WMP/NMP is found to be inconsistent with this general permit, it shall be revised to conform to the permit conditions.

**4.2** The operator shall be responsible for ensuring the WTR applicator (if different from the operator) complies with all the permit stipulations.

**4.3** Residuals shall be land-applied evenly over the entire application area and only at the rates and on the areas specified in the approved WMP/NMP.

**4.4** Land application of WTR is prohibited on slopes with a gradient greater than 12%.

**4.5** Land application of WTR is prohibited when soils are:

4.5.1 Saturated;

4.5.2 Frozen;

4.5.3 Covered with ice or snow;

4.5.4 During precipitation events; or

4.5.5 When precipitation is reasonably anticipated (as defined in Part 7) within 24 hours following any planned land application activity.

The operator (as defined in Part 7) shall maintain field logs demonstrating compliance with this condition, including documentation showing precipitation forecasts were reviewed and that precipitation was not reasonably anticipated in the 24-hour period after any planned land application. If the land applicator maintains the field logs, the operator shall ensure they are provided to the operator upon completion. Logs shall be recorded on DEQ-provided or DEQ-approved forms, showing when application activities commenced or were suspended. These records shall be made available to DEQ personnel upon request. The Responsible Official or Cognizant Official shall attest to all field logs in the annual report.

**4.6** Residuals shall not be spread within 50 feet of property lines or rock outcrops; 100 feet of streams including intermittent streams, lakes, ponds, springs, sinkholes, and wetlands; 200 feet of drinking water wells and water supplies; or 300 feet of Extraordinary Resource Waters and Ecologically Sensitive Waters. Residuals shall not be land applied within 500 feet of neighboring occupied buildings for new land application sites. Any more stringent setbacks promulgated in an applicable PC&EC Rule will become effective for purposes of this general permit on the effective date of the rule.

**4.7** WTR shall only be stored in accordance with the WMP/NMP. The use of improvised field storage sites or other unauthorized locations is prohibited.

**4.8** Temporary transfer/storage points for WTR removed from the water treatment plant's storage facilities are allowed provided that:

4.8.1 No more than 20 cubic yards are stored at any time;

4.8.2 The WTR is contained by a berm or dike;

4.8.3 No runoff occurs from the storage area;

4.8.4 Storage is limited to thirty (30) calendar days.

The operation must implement best management practices to contain and remediate in the event of a leak or spill.

**4.9** Storage or surface disposal of WTR in the 100-year flood plain is prohibited unless protected from flooding by berms, dikes, or other structures. Land application of WTR at the rates established in the WMP/NMP is not considered surface disposal.

**4.10** Disposal of WTR shall not cause harm to any endangered or threatened species of plant, fish, wildlife, or their critical habitat.

**4.11** DEQ has no responsibility for the adequacy or proper functioning of the waste disposal system.

**4.12** If analytical results for any parameter required to be sampled exceed the ceiling concentration or limit in Part 2 Table I, the operator shall cease land application of WTR until additional analysis confirms compliance with Part 2 Table I.

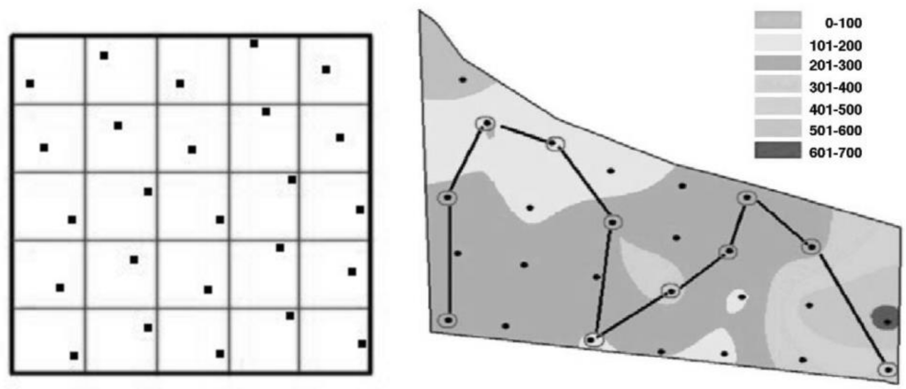
**4.13** Each land application site shall have soils tested for the parameters listed in Part 2 Table II of this permit. Soil samples shall be collected using the following method:

4.13.1 Each sample area shall be less than or equal to forty (40) acres. These areas shall be identified on a site map and remain consistent between sampling events.

4.13.2 Identify representative sampling areas/zones that are uniform in soil and previous management history. Soils that are contained within the same soil association according to the USDA Soil Survey are considered uniform for the purposes of this permit. These areas shall be identified on a site map. The areas shall remain the same between each sampling event.

4.13.3 Using a clean soil probe, soil auger, or spade, collect a minimum of twenty (20) individual subsamples to a depth of four (4) inches per sample area in a random zigzag or grid pattern (see Fig. 1 below) in accordance with the sampling locations on the site map. If using a spade, avoid wedge-shaped samples. At least one composite sample must be taken per 40 acres for every land application site identified on the NOI and WMP/NMP. Multiple composite soil samples are required if the land application site is more than 40 acres in accordance with Part 4.13.1.

4.13.4 Combine the individual subsamples in a clean plastic bucket and mix thoroughly. Place a subsample of the mixed composite in a clean soil box and label it with the field name, sample area identification, and operator information. Subsamples shall be representative of the sampling zone only; do not mix samples from different sampling areas.




Grid Pattern Zig Zag

**Figure 1. Representative Soil Sampling of Land Application Area Patterns**

**4.14** The operator (as defined in Part 7) shall ensure training is provided annually to any person that will be responsible for land applying WTR or any person that will be overseeing the land application of WTR before the operator can land apply WTR under this permit. The annual training shall consist of, at a minimum, training on all permit conditions and WMP/NMP. The operator shall maintain written certification that any person that will be responsible for land applying WTR or any person that will be overseeing the land application of WTR is familiar with the permit and WMP/NMP requirements. The operator shall provide DEQ with records of these annual trainings as part of the operator's annual report. All certifications shall be made available to DEQ personnel on request and maintained for three (3) years.

**4.15** Upon request from DEQ personnel, the permittee shall provide DEQ with a schedule of all planned land application events that are expected to occur within the next five (5) calendar days. The schedule shall be provided immediately (within 24 hours) upon the request from DEQ personnel. At the minimum, the schedule shall include:

4.15.1 Permit Information (permit number and AFIN);

4.15.2 Anticipated dates of application; and

4.15.3 Anticipated field IDs.

**4.16** For each land application event on any permitted site, the operator (as defined in Part 7) shall ensure that a contemporaneous record of that land application event is created and maintained for at least three (3) years. Each land application record shall include, at a minimum, the following information:

4.16.1 Operator Information (Permit No., AFIN, Operator); and

4.16.2 Land Application Event Information (including week of the land application event, Field IDs, amount of WTR applied, identify when land application ceased due to precipitation).

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

**4.17** pH Condition

4.17.1 If any soil pH analyses for the land application sites are at the pH action level of 5.7 or lower based on the annual soil analyses taken at the beginning of each year as required in Part 2 Table 1, the permittee shall apply lime in accordance with the University of Arkansas Cooperative Extension Service.

4.17.2 If after the first year of soil treatment with lime and in accordance with the University of Arkansas Cooperative Extension Service, any soil analyses for any land application site that received treatment do not have a soil pH above 5.7, the following conditions shall apply:

4.17.2.1 For the second year that any soil analyses for any lime-treated land application sites are at the pH level of 5.7 or lower, the permittee may continue land application activities at that land application sites by complying with Part 4.17.1 above.

4.17.2.2 If, in the third year or a subsequent year, the soil analyses for any lime-treated land application sites are at pH action level of 5.7 to 5.5, the permittee may continue land application activities at those land application sites by complying with Part 4.17.1 above.

4.17.2.3 If, in the third year or a subsequent year, any soil analyses for lime-treated land application sites are below the pH action level of 5.5, the permittee shall evaluate those lime-treated land application sites to determine the appropriate practices necessary for continued land application at those land application sites. The evaluation shall include either:

4.17.2.3.1 Consultation and onsite evaluation of the land application sites with a qualified agronomist or a qualified soil scientist (the Arkansas Cooperative Extension Service in the county of the land application sites may have qualified personnel who can assist with this evaluation); or

4.17.2.3.2 Documentation that land application at the sites shall be limited to waste streams with a pH of 6.0 or higher and documentation of the analyses of those waste streams with a pH of 6.0 or higher that were applied.

4.17.3 If the soil analyses for any lime-treated land application sites are above the pH action level of 5.7, the permittee may continue land application activities without additional requirements for pH adjustment with lime.

# PART 5
# REPORTING REQUIREMENTS

**5.1** The operator shall be responsible for conducting WTR and soil analyses in accordance with the permit. All laboratory analyses submitted to the OWQ shall be completed by a laboratory accredited by the Division under Ark. Code Ann. § 8-2-201 *et seq*. Analyses for the permittee's internal quality control or process control do not need to be performed by a DEQ accredited laboratory.

**5.2** Annual Reports shall be submitted to DEQ by March 1 of each year and shall cover the previous calendar year (January through December). For example, the Annual Report for the 2027 calendar year shall be submitted by March 1, 2028. Each Annual Report shall include the following:

5.2.1 Land application dates;

5.2.2 Land application locations;

5.2.3 Quantities of WTR applied in dry tons per acre per year or in gallons per acre per year;

5.2.4 Method(s) of application;

5.2.5 Amount of each metal applied, expressed in pounds per acre;

5.2.6 Cumulative amount of each metal applied to date, expressed in pound per acre; and

5.2.7 Copies of the WTR and soil analyses required in Part 2.

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

**5.4** If no land application occurred during the previous calendar year, the permittee shall submit a letter to DEQ by March 1 of each year stating that no land application occurred.

**5.5** All reports shall be submitted to the Permits Branch at the following email address:

By email at: EE.WaterPermitApp@arkansas.gov

Or

On SEEK (or a successor system) when available.

**5.6** The operator shall maintain complete copies of all reports, including the WTR and soil analyses required in Part 2, for review by DEQ personnel. The operator shall also maintain a land application log that includes the following:

5.6.1 Field name or number (locations),

5.6.2 Application date,

5.6.3 Amount of WTR applied (in dry tons per acre per year or gallons per acre per year),

5.6.4 Methods of disposal, and

5.6.5 Identity of hauler.

These records shall be made available to DEQ personnel upon request.

**5.7** The operator shall maintain copies of the records specified above at the WTR-generating facility for a minimum period of three (3) years. Such records shall be available for review by DEQ personnel upon request.

# PART 6
# STANDARD CONDITIONS

## 6.1 Duty to Comply

The operator must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Arkansas Water and Air Pollution Control Act and is grounds for civil and administrative enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

## 6.2 Penalties for Violations of Permit Conditions

The Arkansas Water and Air Pollution Control Act provides that any person who violates any provisions of a permit issued under the Act shall be guilty of a misdemeanor and upon conviction thereof shall be subject to imprisonment for not more than one (1) year, or a fine of not more than twenty-five thousand dollars ($25,000) or by both such fine and imprisonment for each day of such violation. Any person who violates any provision of a permit issued under the Act may also be subject to civil penalty in such amount as the court shall find appropriate, not to exceed ten thousand dollars ($10,000) for each day of such violation. The fact that any such violation may constitute a misdemeanor shall not be a bar to the maintenance of such civil action.

## 6.3 Permit Actions

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

6.3.1.1 Violation of any terms or conditions of this permit;

6.3.1.2 Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;

6.3.1.3 A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination; or

6.3.1.4 Failure of the permittee to comply with the provisions of 8 CAR pt. 12 (Fee Rule).

6.3.2 The filing of a request by the operator for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not suspend any permit condition.

## 6.4 Civil and Criminal Liability

Nothing in this permit shall be construed to relieve the operator from civil or criminal penalties for noncompliance. Any false or materially misleading representation or concealment of information required to be reported by the provisions of this permit or applicable state statutes or regulations which defeats the regulatory purposes of the permit may subject the operator to criminal enforcement pursuant to the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. § 8-4-101, *et seq*).

### 6.5 Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the operator from any responsibilities, liabilities, or penalties to which the operator is or may be subject under Section 311 of the Clean Water Act and Section 106 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

### 6.6 State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the operator from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation.

### 6.7 Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.

### 6.8 Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provisions of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

### 6.9 Permit Fees

The permittee shall comply with all applicable permit fee requirements (i.e., including annual permit fees following the initial permit fee that will be invoiced every year the permit is active) for no-discharge permits as described in 8 CAR pt. 12 (Fee Rule). Failure to promptly remit all required fees shall be grounds for the Director to initiate action to revoke this permit.

### 6.10 Proper Operation and Maintenance

6.10.1 The operator shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the operator to achieve compliance with the conditions of this permit. Proper operation and maintenance also include adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by an operator only when the operation is necessary to achieve compliance with the conditions of the permit.

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

## 6.11 Duty to Mitigate

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

## 6.12 Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of waste waters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering the waters of the state.

## 6.13 Reporting of Violations and Unauthorized Discharges

6.13.1 Any violations, which may endanger health or the environment, to this permit must be reported to the Enforcement Branch of Office of Water Quality (OWQ) immediately (within 24- hours). Any leaks or seeps shall be reported to OWQ and appropriately corrected. Any discharge from the waste storage system such as an overflow, a broken pipe, etc., shall be immediately (within 24-hours) reported to OWQ.

6.13.2 The operator shall visually monitor and report immediately (within 24-hours) to the Enforcement Branch of OWQ any unauthorized discharge from any facility caused by dike or structural failure, equipment breakdown, human error, etc., and shall follow up with a written report within five (5) days of such occurrence. The written report shall contain the following:

6.13.2.1 A description of the permit violation and its cause;

6.13.2.2 The period of the violation, including exact times and dates;

6.13.2.3 If the violation has not been corrected, the anticipated time expected to correct the violation; and

6.13.2.4 Steps taken or planned to reduce, eliminate, and prevent the recurrence of the violation.

6.13.3 Reports shall be submitted to the Enforcement Branch at the following email address:

By email at: EE.WaterPermitApp@arkansas.gov

Or

On SEEK (or a successor system) when available.

## 6.14 Penalties for Tampering

The Arkansas Water and Air Pollution Control Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under the Act shall be guilty of a misdemeanor and upon conviction thereof shall be subject to imprisonment for not more than one (1) year or a fine of not more than ten thousand dollars ($10,000) or by both such fine and imprisonment.

**6.15 Inspection and Entry**

The operator shall allow the Director, or an authorized representative upon the presentation of credentials and other documents as may be required by law, to:

6.15.1 Enter upon the operator's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

6.15.2 Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

6.15.3 Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

6.15.4 Sample, inspect, or monitor at reasonable times, for the purposes of assuring permit compliance any substances or parameters at any location.

**6.16 Planned Changes**

The operator shall give notice and provide the necessary information to the Director for review and approval prior to any planned physical alterations or additions to the permitted facility.

**6.17 Anticipated Noncompliance**

The operator shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

**6.18 Transfers**

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

**6.19 Duty to Provide Information**

The operator shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The operator shall also furnish to the Director, upon request, copies of records required to be kept by this permit. Information shall be submitted in the form, manner, and time frame requested by the Director.

**6.20 Signatory Requirements**

6.20.1 All applications, reports or information submitted to the Director shall be signed and certified. All permit applications shall be signed as follows:

6.20.1.1 For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

6.20.1.1.1 A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

6.20.1.1.2 The manager of one or more manufacturing, production, or operation facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including: having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and rules; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

6.20.1.2 For a partnership or sole proprietorship: by a general partner or proprietor, respectively; or

6.20.1.3 For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a federal agency includes:

6.20.1.3.1 The chief executive officer of the agency, or

6.20.1.3.2 A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

6.20.2 All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

6.20.2.1 The authorization is made in writing by a person described above;

6.20.2.2 The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and

6.20.2.3 The written authorization is submitted to the Director.

6.20.3 Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

**6.21 Availability of Reports**

Except for data determined to be confidential under the Arkansas Trade Secrets Act, Ark. Code Ann. § 4-75-601 *et seq*, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the office of the Department of Energy and Environment – Division of Environmental Quality. As required by the rules, the name and address of any permit applicant or operator; permit applications; permits; and effluent, waste analysis, or soil analysis data shall not be considered confidential.

**6.22 Penalties for Falsification of Reports**

The Arkansas Water and Air Pollution Control Act provides that any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this permit shall be subject to civil penalties and/or criminal penalties under the authority of the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. § 8-4-101, *et seq*).

**6.23 Applicable Federal, State, or Local Requirements**

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

# PART 7
# DEFINITIONS

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

**7.1** **"Act"** means the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. § 8-4-101, *et seq.*).

**7.2** **"Department"** means the Arkansas Department of Energy and Environment.

**7.3** **"Director"** means the Director of the Division of Environmental Quality or his/her designated representative.

**7.4** **"Division"** or **"DEQ"** means the Division of Environmental Quality.

**7.5** **"Discharge"** means the discharge of a pollutant.

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

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

**7.8** **"List of Impaired Waterbodies"** means a list of waterbodies within the state of Arkansas that are not currently attaining all designated uses or are not meeting applicable water quality standards, as identified under Section 303(d) of the Clean Water Act.

**7.9** **"NOC"** means Notice of Coverage.

**7.10** **"NOI"** means Notice of Intent.

**7.11** **"NOT"** means Notice of Termination.

**7.12** **"Natural and Scenic Waterways (NSW)"** means waters that have been given the designated use of Natural and Scenic Waterways by the Pollution Control and Ecology Commission. This beneficial use identifies segments that have been legislatively adopted into a state or federal system.

**7.13** **"NMP"** means a Nutrient Management Plan.

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

**7.15** **"Operator" or "Permittee"** means any person who has the primary management and ultimate decision-making responsibility over the operation of a facility or activity. The operator is responsible for ensuring compliance with all applicable environmental regulations and conditions.

**7.16** **"OWQ"** means the Division of Environmental Quality - Office of Water Quality.

**7.17** **"PC&EC"** means the Pollution Control and Ecology Commission.

**7.18** **"Person"** means a natural person, corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, or any other legal entity.

**7.19** **"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.

**7.20** **"Potable Water"** means water that meets national drinking water standards making it safe for consumption.

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

**7.22** **"Stormwater"** means rainwater runoff, snow melt runoff, and surface runoff and drainage.

**7.23** **"USGS"** means the United States Geological Survey.

**7.24** **"Waters 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.

**7.25** **"Water Table"** The surface between the zone of saturation and the zone of aeration and the surface of a body of unconfined groundwater at which the pressure is equal to that of the atmosphere.

**7.26** **"WMP"** means a Waste Management Plan.

**7.27** **"Water Treatment Residuals (WTR)"** means solid waste products derived from the process of treating raw water sources into potable water.