

**FACT SHEET
AND SUPPLEMENTARY INFORMATION
FOR GENERAL PERMIT ARG160000**

For issuance of the new General Permit for Landfills located within the State of Arkansas, Permit Number ARG160000.

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1. Background

Under 40 CFR 122.28, general permits may be written to cover categories of point sources having common elements, such as facilities that involve the same or substantially similar types of operations, that discharge the same types of wastes, or that are more appropriately regulated by a general permit. Given the number of Landfills and requiring NPDES permit coverage, ADEQ has elected to renew the ARG160000 General Permit for Landfills located within the State of Arkansas.

The previous permit took effect on March 1, 2015 and expires on February 28, 2020.

2. Proposed Changes

The permittee is responsible for carefully reading the renewal permit in detail and becoming familiar with all of the requirements therein. The following changes were made to the previously issued permit:

- 2.1** The language on the Cover Page of the general permit was updated for consistency with the changes to Part 1 of the general permit.
- 2.2** The Table of Contents was expanded to the corresponding Parts of the permit.
- 2.3** Multiple web links were updated to stay consistent with ADEQ website changes.
- 2.4** Removed the term ‘inactive area’ in Part 1.2.1 to clarify the discrepancy between APC&EC Regulation No. 22 and 40 CFR 258 languages.

- 2.5 Language in Part 1.2.2 has been updated to clarify which stormwater runoff does not require permit coverage.
- 2.6 Class 4 Landfill sedimentation ponds shall be designed and constructed with a storage capacity to handle runoff from a 10-year, 24-hour storm event instead of 25-year, 24-hour storm event. See Part 1.2.1.1 of the permit.
- 2.7 The List of Exclusions has been reordered from the previous permit. See Part 1.3 of the permit.
- 2.8 Clarified that any amount of leachate is prohibited from discharging. See Part 1.3.1 of the permit for more information.
- 2.9 The notification requirements of the previous permit have been modified. See Part 1.4 of the permit.
- 2.10 The Notice of Intent will now require verification that the receiving stream is not one of the waters included under Part 1.3.2, 1.3.3 or 1.3.4 of the permit.
- 2.11 Part 1.4.5.4 of the permit now reads "... a minimum separation of ten (10) feet will be required between the *top* of the liner and the highest point of the bedrock." Part 1.4.5.4 previously read "... a minimum separation of ten (10) feet will be required between the *bottom* of the liner and the highest point of the bedrock."
- 2.12 Methods to submit applications electronically have been included. See Part 1.4.6.3 of the permit.
- 2.13 A requirement that all ADEQ permit fees must be paid before coverage is issued is now included. See Part 1.4.7 of the permit.
- 2.14 "Continuation of the Permit" has been included in the permit. See Part 1.5 of the permit for more information.
- 2.15 Part 1.5 of the permit, "Termination of Operation," is now Part 1.6 of the permit, and has been expanded and retitled "Terminating Coverage".
- 2.16 The condition requiring an Individual NPDES Permit has been modified. See Part 1.7 of the permit for more information.
- 2.17 Timeliness has been defined in Part 1.7.2.1 of the permit.
- 2.18 Part 1.6 of the permit, "Requesting General Permit Coverage," has been moved to Part 1.8 of the permit.

- 2.19** Best Management Practices have been included in the permit. During the renewal process, it was determined approximately a third of facilities permitted under this General Permit reported No Discharge over last three years. Therefore, the Department has decided to include qualitative reporting. See Part 1.9 of the permit for more information.
- 2.20** The permittee no longer needs to apply for a separate construction stormwater general permit to build new cells. See Part 1.10 of the permit for more information.
- 2.21** In Part 2 of the permit, a footnote was added to require pH to be measured within fifteen (15) minutes of sampling in accordance with 40 CFR 136.
- 2.22** In Part 2 of the permit, a footnote was added to direct the permittee to Part 7, describing how the facility can apply for monitoring frequency reduction.
- 2.23** A significant figure has been added for COD, TSS, and O&G for reporting accuracy purposes.
- 2.24** Monitoring and reporting for Total Iron has been included in the permit.
- 2.25** A link was added to the NOI from the ADEQ website as Part 1.4.2.10
- 2.26** The language in Part 1.7 of the permit was updated for clarity and to require an NOT, even if an Individual NPDES Permit is issued.
- 2.27** Part 3.7 of the permit, “Local, State and Federal Laws,” was moved to Part 3.11 of the permit and renamed “Applicable Federal, State or Local Requirements,” to be consistent with other ADEQ general permits. Parts 3.7 – 3.10 were renumbered.
- 2.28** Part 3.13 of the permit, “Stormwater Associated with Construction Activity,” has been modified to clarify that stormwater discharges associated with construction activity that are not routed through this sedimentation pond are not authorized by this general permit.
- 2.29** Part 3.4 of the permit, “Toxic Pollutants,” now reads “...toxic water quality standard...” instead of “...toxic effluent water quality...” as Regulation No. 2 is a water quality standard and not toxic standard.
- 2.30** Part 4.4 of the permit, “Bypass of Treatment Facilities,” has been restructured for clarification.
- 2.31** Part 5.5 of the permit, “Reporting of Monitoring Results,” was updated to reflect the new NetDMR submittal process.
- 2.32** Monitoring frequency can now be reduced. See Part 7.1 of the permit for more information.

2.33 Definitions of “Best Management Practices,” “Direct Discharge,” “Eligible,” “Facility,” “Landfill” “NOI,” “NOT,” “Outfall,” “s.u.,” and “Waters of the State” were added to Part 8 for clarity.

2.34 Definitions of “Leachate” and “Active Portion” have been clarified in Part 8 of the permit to be consistent with APC&EC Regulation No. 22.

2.35 Definitions of “Class I,” “Class III,” “Class IV,” “inactive portion,” and “sanitary landfill” have been removed from Part 8.

3. Permit Coverage

This general permit covers discharges from both proposed and existing landfills, except facilities which are excluded in Part 1.3 of the general permit. These facilities should be constructed in accordance with the plans and specifications based on the Ten State Standards (as listed in Part 1.4.5) and must have approval from ADEQ.

4. Monitoring Requirements

All facilities operating under the conditions of this general permit are required to monitor each parameter once per discharge unless a sampling frequency reduction has been granted by ADEQ. Sampling and testing must be conducted in accordance with 40 CFR Part 136. Samples shall be taken at the discharge from the final treatment unit and prior to mixing with the receiving waters. All samples shall be collected from a discharge resulting from a storm event that occurs at least 72 hours from the previous discharge. The grab sample shall be taken during the first 30 minutes of the discharge. If the collection of a grab sample during the first 30 minutes is impracticable, a grab sample can be taken during the first hour of discharge. The discharger shall then submit with the monitoring report a description of why a grab sample during the first 30 minutes was impracticable.

The permittee shall at all times properly operate and maintain the facilities to achieve compliance with the conditions of this permit, including additional sampling and testing as necessary to ensure that permit limitations are not exceeded at any time. In the event a discharge occurs as a result of precipitation greater than the 25 year, 24 hour storm event, the discharge is not required to comply with the effluent limitations of this general permit. However, the permittee must submit a discharge monitoring report (DMR) to ADEQ and shall have the burden of proof that discharge was caused by such a precipitation event attached to the DMR.

5. Other Conditions

5.1 Geographic Area and Covered Facilities

The general permit, when issued, will authorize discharges from Landfills throughout the State of Arkansas. The permit will be applicable only to facilities which discharge to waters of the State and are, therefore, subject to the requirements of Section 301 and 402 of the Clean Water Act.

5.2 Timing of Requests

Requests for coverage shall be submitted as follows:

5.2.1 For new dischargers, at least 30 days prior to the first proposed discharge; or

5.2.2 For existing dischargers, no later than February 28, 2020.

5.3 Expiration Date

In accordance with 40 CFR 122.46(a), the general permit will expire five (5) years from the effective date of the permit. An expired permit will continue in effect until such a time that the permit is renewed or a new permit is issued, unless ADEQ has informed the permittee that they are longer covered under this general permit.

5.4 Individual Permits

The Director of ADEQ may require any discharger authorized by this general permit to apply for and obtain an individual permits according to the criteria in 40 CFR 122.28(b)(3).

5.5 Justification of Permit Limits and Conditions

Conditions in Parts 2 through 6 are self-explanatory and are incorporated in the permit based on 40 CFR 122.41, 40 CFR 122.43, 40 CFR 122.62, 40 CFR 124.5, 40 CFR 136, 40 CFR 122.44(d), Appendix D of the Continuing Planning Process (CPP), and APC&EC Regulation No. 3 in order to provide and ensure compliance with all applicable requirements of the CWA and regulations.

Conditions in Part 7 were included for monitoring frequency reduction. Definitions in Part 8 are self-explanatory and have been included in the permit in order to provide and ensure compliance with all applicable requirements of the CWA and regulations.

6. Public Notice, Meeting, and Hearing

The draft renewal permit public notice was published on February 24, 2019. The public comment period began on the publication date and ended on March 26, 2019. Several comments were provided by ADEQ. The comments and subsequent changes to the permit are summarized in the Response to Comments document.

7. Economic Impact

This permit does not place any additional undue burden on any private business entity, large or small. It does not restrict any opportunities that are available to any small businesses. The inspection and control requirements are set at a level to protect water quality while minimizing the resources required for compliance.

The permit fee of \$400 is allowed by Arkansas Pollution Control and Ecology Commission Regulation No. 9 for commercial facilities. If a construction authorization is also required under this permit, then an additional \$500 fee will be required based on Regulation 9.402(A). This permit incorporates construction requirements into the ARG160000. The construction requirements listed in Part 1.4.5 are consistent with the minimum requirements for a state construction permit and will not have any additional economic impact.

No significant changes were made to this permit. Therefore, there is no economic impact to the facility. There may be minimal additional cost for commercial facilities to obtain a Certificate of Good Standing from the Secretary of State of any State other than Arkansas.

8. Contact Information

For additional information regarding this permit, please contact the NPDES Permits Branch of the Office of Water Quality:

via mail at:

NPDES Permits Branch
Office of Water Quality
5301 Northshore Drive
North Little Rock, AR 72118

via phone at (501) 682-0623; or

via email at water.permit.application@adeq.state.ar.us.

9. Sources:

- 9.1 Previous Permit, Fact Sheet, and Response to Comments.
- 9.2 Title 40 of the Code of Federal Regulations (40 CFR).
- 9.3 33 U.S.C. § 1251 *et seq.*, *i.e.* Clean Water Act (CWA).
- 9.4 Arkansas Code Annotated (A.C.A.) § 8-4-203.
- 9.5 “Integrated Water Quality Monitoring and Assessment Report (305(b)),” 2016, ADEQ.
- 9.6 APC&EC Regulation No. 2.
- 9.7 APC&EC Regulation No. 3.
- 9.8 APC&EC Regulation No. 6.
- 9.9 APC&EC Regulation No. 8.
- 9.10 APC&EC Regulation No. 9.

10. ADEQ Comments:

Prior to issuance of the final general permit ARG160000, ADEQ made comments to provide additional clarifications. Please see ADEQ Comments document for the specific changes.