

**FACT SHEET
AND SUPPLEMENTARY INFORMATION
FOR GENERAL PERMIT
DISCHARGES FROM SANITARY LANDFILLS
LOCATED WITHIN THE STATE OF ARKANSAS**

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1. Background

The previous permit became effective on March 1, 2010 and expires on February 28, 2015 and this is a renewal permit.

The State of Arkansas has been authorized by the U. S. Environmental Protection Agency to administer the National Pollutant Discharge Elimination System (NPDES) Program in Arkansas, including the issuance of general permits to categories of dischargers under the provisions of 40 CFR 122.28, as adopted by reference in Reg. 6.104. Under this authority, ADEQ may issue a single general permit to a category of point sources located within the same geographic area whose discharges warrant similar pollution control measures. Specifically, in accordance with 40 CFR 122.28, the ADEQ is authorized to issue a general NPDES permit if there are a number of point sources operating in a geographic area that:

- 1.1. involve the same or substantially similar types of operations;
- 1.2. discharge the same types of wastes;
- 1.3. require the same effluent limitations or operating conditions;
- 1.4. require the same or similar monitoring requirements; and
- 1.5. in the opinion of the Director, are more appropriately controlled under a general permit than under individual permits.

The violation of any condition of a general permit constitutes a violation of the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. § 8-4-101 *et seq.*) and may subject the discharger to the penalties and revocation of coverage under the general permit. Upon issuance of the final general permit for this type of discharge, operators that are considered qualified for coverage under this general permit must submit a written notice of intent to the Director for coverage under the general permit.

2. Major Changes from Previous Permit

- 2.1 Inclusion of state construction permits requirements in this General Permit (Part 1.3.2)
- 2.2 Public Notice requirements have been added (Part 1.3.5). Since there is no 30-day public notice in the paper for General Permits and the citizens do not have a chance to comment on the Notice of Intent (NOI) received by the Department for a specific facility, the Department made a determination to do a

5-day public notice on our web site based on citizens comments and concern received from the public during the renewal of another general permit (ARG550000). The Department has made a decision to include this requirement in all general permits during the next renewal cycle.

- 2.3 Existing dischargers must submit an NOI and all necessary information stated in Part 1.3 of the Permit no later than the effective date of the renewal general permit. (Part 1.3.6.1)
- 2.4 Exclusion of discharges located within the watershed of any water body or waterway designated as an Outstanding Resource Water as defined in the APC&EC Regulation No. 2.203, including ERWs, ESWs, and NSWs. For the purposes of this permit, the watershed of an Outstanding Resource Water will be identified by the United States Geological Survey's twelve (12) digit Hydrological Unit Code (HUC). (Part 1.4.2)
- 2.5 Re-opener Clause was added. (Part 3.12)
- 2.6 Changes to Authorization section was added. (Part 6.9.3)

3. Changes from Proposed Draft Based on Comments Received During the Public Comment Period

- 3.1 Section 1.3.2.4 was changed to require a minimum separation of 2 feet between the top liner and the top of the bedrock (as adapted from Regulation 22.431), except in the areas of the St. Joe and Boone formations, where a minimum separation of 10 feet will be required between the bottom liner and the highest point of the bedrock or pinnacles (as adapted from Regulation 22.425).

4. Anti-backsliding

Effluent limits, monitoring requirements, and monitoring frequencies for flow, COD, TSS, O&G, and pH in Part 2 of the permit are continued from the current permit based on EPA anti-backsliding regulations [40 CFR 122.44(l)]. In addition, the footnotes in Part 2 have not been changed.

This permit is consistent with the requirements to meet Anti-backsliding provisions of the Clean Water Act (CWA), Section 402 (o) [40 CFR 122.44(l)]. The final effluent limitations for reissuance permits must be as stringent as those in the previous permit, unless the less stringent limitations can be justified using exceptions listed in 40 CFR 122.44(l)(2)(i).

5. Permit Limits and Basis

Conditions in Parts 3 through 6 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), 40 CFR 122.44(l), Appendix D of the Continuing Planning Process (CPP), APC&EC Reg. No. 2, and APC&EC Reg. No. 3 in order to provide and ensure compliance with all applicable requirements of the CWA and regulations.

6. Design Storm

40 CFR Part 258.15 and Section 22.418 of Arkansas Regulation No. 22 requires that operators of Class 1 landfill design, construct, and maintain a run-off control system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour, 25-year storm.

Section 22.614 of Arkansas Regulation No. 22 requires that at a minimum, Class 4 landfills shall design, construct, and maintain a run-off control system from the active portion of the landfill or waste processing area to collect and control at least the water volume resulting from a 24-hour, 10-year storm if required by the Department to meet the requirement of Reg. 22.615 for surface water requirements.

This General Permit requires that all the runoff control systems be designed for 24-hour, 25-year storm, for both Class 1 and Class 4 landfills. It is determined that since this is a statewide General Permit and the requirements must be the same and consistent in the permit the more conservative 24-hour, 25-year storm requirement is chosen for this permit. A Class 4 landfill may choose to obtain an individual NPDES discharge permit rather than the General NPDES discharge permit if they want to design a 24-hour, 10-year, run-off control system. Please be aware that based on the review and other circumstances the Department may still require a 24-hour, 25-year, storm control system under an individual permit.

The design storm means the maximum volume of water resulting from the 24-hour, 25-year precipitation event. The term "25-year 24 hour precipitation event" is the maximum 24 hour precipitation event with a probable reoccurrence interval of once in 25 years. The maximum volume of water is the total from all areas contributing runoff to the sedimentation pond without consideration of loss of water from processes such as infiltration. In addition to designing for the volume of water associated with the design storm, other treatment options, such as the use of settling aides, may be necessary. The intent, however, is that the sedimentation pond must be designed so that it is not overwhelmed by the volume of water from a storm event equal to the design storm. Problems that might result from too much water for the sedimentation pond to handle should be very infrequent; certainly no more frequent than the occurrence of the design storm.

7. Public Notice, Meeting and Hearing

The public notice describes the procedures for the formulation of the draft decision and shall provide for a public comment period of 30 days in accordance with APC&EC Reg. No. 8. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues involved in the permitting decision.

The public comment period began on the date of publication, June 26, 2014 and ended on July 28, 2014 at 4:30 p.m. (Central Time). A public meeting and hearing was held on July 28, 2014 beginning at 2:00 p.m. (Central Time) at ADEQ's Headquarters in North Little Rock. A second public comment period began on the date of publication, July 31, 2014 and ended on August 31, 2014 at 4:30 p.m. (Central Time).

8. 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. Previously, facilities were required to obtain both the ARG160000 (with a permit fee of \$400) and a state construction permit (with a permit fee of \$500); so the inclusion of the construction requirements into the ARG160000 does not change the required amount of permit fees. The construction requirements listed in Part 1.3.2 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.

9. Contact Information

For additional information regarding this permit, please contact the General Permits Section of the Water Division:

General Permits Section
Water Division
5301 Northshore Drive
North Little Rock, AR 72218-5317
(501) 682-0623
water-permit-application@adeq.state.ar.us

10. Sources

- 10.1 APC&EC Reg. No. 2.
- 10.2 APC&EC Reg. No. 3.
- 10.3 APC&EC Reg. No. 6 which includes Title 40 Code of Federal Regulations adapted verbatim by ADEQ in Reg. 6.104.
- 10.4 APC&EC Reg. No. 8.
- 10.5 APC&EC Reg. No. 9.
- 10.6 APC&EC Reg. No. 22.
- 10.7 2004 Edition of Recommended Standards for Wastewater Facilities (10 State Standards)
- 10.8 Arkansas Water and Air Pollution Control Act (Ark. Code Ann. § 8-4-101 *et seq.*)
- 10.9 40 CFR 122.
- 10.10 40 CFR 136.
- 10.11 40 CFR 124.
- 10.12 40 CFR 258.
- 10.13 Appendix D of the Continuing Planning Process (CPP).
- 10.14 ARG160000 existing permit.