

Arkansas Department of Environmental Quality
No-Discharge Section Permit Procedures
Liquid Animal Waste Management System

PART I
GENERAL INSTRUCTIONS

Please read the following prior to completing the application:

1. The applicant is advised to review all applicable state regulations, including: Arkansas Water and Air Pollution Control Act (Ark. Code Ann. § 8-4-101 et seq.), Arkansas Pollution Control and Ecology Commission (APC&EC) Regulation No. 2, Arkansas Water Quality Standards, and APC&EC Regulation No. 5, Liquid Animal Waste Management Systems.
2. All construction and operating information contained in the waste management plan as well as permit application and any change, modification or alteration to the waste management plan or permit application submitted to the Department in writing and approved by the Department in writing shall become an integral part of the permit. All information supplied to this Department shall be available for public inspection unless the information is of a proprietary nature and is clearly marked confidential. Effluent data cannot be considered confidential.
3. The application should be mailed to:

Arkansas Department of Environmental Quality
Permits Branch, Water Division
5301 Northshore Drive
North Little Rock, AR 72118-5317
Fax (501) 682-0880

Or

Water-Permit-Application@adeq.state.ar.us

4. The application must be signed by the individual owner, an authorized corporate officer, a partner, a principal or someone delegated with signatory authority by any of the above individuals. In all cases, the application should be signed by an individual who is authorized to do so by the applicant. For the purposes of this section, an authorized corporate officer is defined as: (1) a president, secretary, treasurer or vice-president of the corporation in charge of principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or (2) the manager of one or more manufacturing, production or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars) provided the manager has been entrusted with authority to sign documents in accordance with the corporation procedures. In the case of a partnership or sole proprietorship, the permit application must be signed by a general partner or the

proprietor, respectively. In the case of municipal, state, federal or other public facility, the application must be signed by either a principal executive officer, ranking elected official or other duly authorized employee. For a corporation, those applications signed by an authorized person other than those described above must also include appropriate documentation delegating such signatory authority.

5. **Applicants for new permits or permit modifications are required by APC&EC Regulation 5 to notify all adjacent landowners when a permit application is submitted to the Department.** A written notice must be sent to each landowner adjacent to the facility and to the waste application sites. This notice must include the applicant's name and address; the facility type, size, and location; and the type of permit action requested. A list of all adjacent landowners and a copy of the notification letter must be submitted to the Department along with the permit application.
6. APC&EC Regulation No. 9 require that, if applicable, a fee be paid by the applicant prior to the issuance of a permit or a permit modification. Permit fees are payable by check or money order and must be received before the permit can be issued. The Department will issue an invoice when the draft permit is sent to public notice.
7. APC&EC Regulation No. 8 requires the following **public notices for permit applications:**
 - A. **After receiving an application, the Department will prepare a public notice of application and return it to the applicant for publication in an appropriate newspaper.** A public notice of administratively complete application is required for any application to construct or operate a confined animal facility involving liquid waste handling or a major modification to an existing permit under this regulation. The notice must be published for one day in a newspaper of general circulation in the county in which the proposed facility or activity is to be located. Any interested person may request a public hearing on the proposed permit by giving the Department a written request within ten (10) business days of the publication of the notice. **Once the public notice has been published, an affidavit and proof of payment for the notice publication must be submitted to the Department.**
 - B. A second public notice must be published concerning the Director's tentative decision to approve or deny the proposed permit. The Department will prepare this notice and submit it directly to the publisher. **Once the public notice has been published, an affidavit and proof of payment for the draft publication must be submitted to the Department.**
 - C. **APC&EC REGULATION 8 REQUIRES THE APPLICANT TO BEAR THE EXPENSE OF ALL PUBLIC NOTICES.** Proof of payment for the public notices must be submitted to the Department with the affidavit of publication.

PART II
PROCEDURAL INFORMATION

1. Department staff will review submitted application materials for administrative completeness. The Department will not process any application until all information required to properly classify the application complete has been received. During the review, the Department may contact the applicant for clarification or to request additional information. **If an application is severely lacking in detail or requested information is not submitted in a timely manner, the application may be returned.**
2. After determining that an application is administratively complete, the Department will prepare a public notice of application and submit it to the applicant for publication in a local newspaper (See General Instructions, Part I.6.A). APC&EC Regulation 8 requires the applicant to bear the expense of all public notices.
3. After the expiration of the 10 business day comment period and upon receiving an affidavit of publication for the public notice of application, the Department will conduct a technical review of the waste management plan.
4. Following the technical review, the Director will make a tentative decision to issue or deny a draft permit. A second public notice will be prepared and forwarded directly to a local newspaper for publication by the Department regarding the Director's decision. A 30-day comment period must follow publication of this notice. APC&EC Regulation 8 requires the applicant to bear the expense of all public notices.
5. After the expiration of the 30-day comment period, the Director will make a final decision to issue or deny the permit. In instances where significant public interest has been expressed, the Director or the APC&EC may decide to hold a hearing to obtain public comments in accordance with APC&EC Regulation 8.
6. If the Director makes a final decision to issue the permit, the applicant may commence construction once the permit becomes effective. The facility must be constructed, modified and/or operated in accordance with the final design approved by the Department. After construction is complete, the consultant must submit a **construction certification** to the Department stating that the facility was constructed according to the final plans approved by the Department. The consultant must justify any modifications made to the facility during construction.
7. After receiving a construction certification, the Department will issue a letter of authorization to commence operation of the facility. If the plan does not include any type of construction, the authorization to commence operation will be issued in conjunction with the Director's final permit decision. **Operation of a liquid waste management system shall not commence until the Department has issued a letter of authorization to operate.**

8. Prior to implementation of any changes in the operational procedures of a permitted facility, the operator must request Department approval, in writing, describing the proposed changes. A change in operational procedures includes but is not limited to the following:
 - A. A change in the existing permitted confined animal population in which results in a greater than 10 percent increase in the volume of animal waste, as excreted, generated by the facility. (This increase requires a permit modification.)
 - B. A change in land application sites. (This change requires a permit modification.)
 - C. A change in waste treatment, handling or disposal. (The Department may require a permit modification, construction plans and specifications, amended waste management plan or any other information as needed.)

9. If a change of ownership or control of a permitted facility occurs, the permit may be transferred to the new owner(s) by submitting a completed **“Request for State Water Permit Transfer”** form. A permit may be automatically transferred if the applicant for transfer notifies the Department thirty (30) days in advance of the proposed transfer date and submits a completed **“Disclosure Statement”** form. The required forms are available from the Department upon request.

PART III
TECHNICAL REQUIREMENTS

1. Designs and waste management plans must comply with the criteria listed in APC&EC Regulation No. 5 and the following USDA Natural Resources Conservation Service (NRCS) technical publications:
 - (a) Field Office Technical Guide
 - (b) Agricultural Waste Management Field Handbook
2. Waste management plans must be signed and approved by a NRCS area engineer, an Arkansas registered professional engineer, or an Arkansas Soil & Water Conservation District water quality technician.
3. A copy of the following enclosures/attachments is required for all applications:
 - a. Area Maps - Copies (8 ½" X 11") of **both** a U.S. Geological Survey topographic map and a county map showing the location of the animal waste system and the land application areas and their relationship, the nearest potentially affected streams, the land use designations for adjacent properties and nearby lands, and the distance and directions from the nearest State Highway intersection or community. All features (such as buildings, ponds, etc.) in existence but not shown on the map(s) must be noted. A general legal description by Quarter, Section, Township, and Range must be provided for the facility and all land application sites. Location by latitude and longitude (deg, min, sec) of the facility must be provided. Maps may be obtained from the Arkansas Highway Department and the Arkansas Geological Commission in Little Rock. Please indicate the USGS topographic map(s) used for each map submitted.
 - b. Waste Management Plan or Comprehensive Nutrient Management Plan - The waste management plan should address the management and maintenance of the waste storage/treatment facilities which will best protect against an overflow, the timing and rates of waste application for optimum agronomic utilization, dead animal disposal, and an accounting of total acreage, buffer zones and acreage available for land application. (Note: A Site Management Plan must be developed for each landowner contracting with the applicant.)
 - c. Construction Plans, Specifications, and Design Calculations for the proposed waste disposal system, referencing the individual(s) involved in their development.
 - d. Nearest Stream. Name and distance to the nearest receiving stream. For multiple sites, the name and distance to each receiving stream must be included for every site.

4. Waste storage structures shall not be located in the Federal Emergency Management Agency (FEMA) designated 100-year flood plain unless protected by adequate berms or other structures. If the proposed site for waste storage is in or near the designated 100-year flood plain, the design must indicate the 100-year flood elevation and the top elevation of the berms, both with respect to mean sea level.
5. Proof of land ownership or control of land must be submitted to the Department for all land to be permitted for waste utilization under the waste management plan.
 - a. For land owned by the applicant, a copy of the deed (or other legal document proving ownership) must be submitted.
 - 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 application must be submitted.
 - c. For land that is neither owned nor leased by the permit applicant, a land use contract (Attachment 2 to the application) must be submitted.
6. All land application sites included in the application must be located in the same county. Land application sites located outside that county must be submitted in a separate permit application.
7. Applicants for new facilities or permit modifications to add land application sites must notify the Arkansas Department of Health (ADH) Division of Engineering that an application has been sent to ADEQ. This notice must include a complete set of maps (**as described in Part III.3.a.**) indicating the facility location and all land application sites and a description (type, size, etc.) of the facility. The notice should be mailed to:

Arkansas Department of Health
Engineering Division, Slot #37
4815 West Markham Avenue
Little Rock, AR 72205

A copy of the letter transmitting the above documents to the Arkansas Department of Health must be submitted to ADEQ with your application.

8. In accordance with APC&EC Regulation No. 8.204 (B), all applicants for the **issuance (new, modification, and renewal) or transfer** of any permit under the environmental laws of Arkansas shall submit a **“Disclosure Statement”** to the Department.

PART IV
DEFINITIONS

“Act”: The Arkansas Water and Air Pollution Control Act (Ark. Code Ann. §8-4-101 et seq).

“APC&EC”: means the Arkansas Pollution Control and Ecology Commission.

“Available Acreage”: means total acreage minus buffer zones.

“Commence Construction”: A continuous physical, on-site construction program. Surveying and drawing of plans are part of the design process and do not constitute commencement of construction. Likewise, it is not sufficient to begin erection of auxiliary buildings unless there is clear evidence (through contracts or otherwise) that construction of the entire facility will go forward in a continuous manner (with no interruptions greater than 18 months).

“Comprehensive Nutrient Management Plan (CNMP)”: is a conservation plan for animal feeding operation (AFO), consisting of a group of conservation practices and management activities and is site-specific for the farm.

“Confined Animal Operation”: Any lot or facility where livestock or fowl have been, are or will be stabled or confined and fed or maintained and where crops, vegetation, forage growth or post-harvest residues are not sustained in the normal growing season over significant portions of the lot or facility.

“Department” or ADEQ: The Arkansas Department of Environmental Quality (ADEQ).

“Director”: The Director of the Arkansas Department of Environmental Quality or his designated representative.

“Liquid Animal Waste Management System”: Any system used for the collection, storage, distribution or disposal of animal waste in liquid form generated by a confined animal operation.

“NRCS”: means the Natural Resources Conservation Service.

“Site management plan”: A plan prepared by the USDA Natural Resources Conservation Service, an Arkansas Natural Resources District water quality technician, or a professional engineer registered in the State of Arkansas which includes a detailed map of the land application site showing all buffer zones, a description of the land use and the crops grown on the site, and a land use agreement if the site is not owned by the permittee.

“Waste management plan”: A plan prepared by the USDA Natural Resource Conservation Service, an Arkansas Natural Resources District water quality technician, or a professional engineer registered in the State of Arkansas detailing the management and disposal of liquid wastes generated in a confined animal operation.

“Waters of the State”: 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 borders upon this state or any portion of this state as defined by the Act.

PLEASE SUBMIT ONLY THE APPLICATION
DO NOT RETURN THE PROCEDURES