

# Subsurface Wastewater Disposal Permit Application

## **Introduction:**

This permit application is for subsurface wastewater disposal. Any applicant submitting this permit application shall comply with all of the General Information (Part I), Procedural Information (Part II), Technical Requirements (Part III), and the Complete Application listed below.

## **Part I** **General Information**

### **Please read the following prior to completing the application:**

1. The applicant is advised to review all applicable State and Federal regulations, including, but not limited to: 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, APC&EC Regulation No. 17, Arkansas Department of Health (ADH) Rules and Regulations Pertaining to Onsite Wastewater Systems, and ADH Rules and Regulations Pertaining to Septic Tank Cleaners.
2. Applications may be submitted by one of the following methods:
  - a. Electronically at <https://eportal.adeq.state.ar.us/>
  - b. Emailed to [Water-Permit-Application@adeq.state.ar.us](mailto:Water-Permit-Application@adeq.state.ar.us)
  - c. Mailed to:

Arkansas Department of Environmental Quality  
Permits Branch, Office of Water Quality  
5301 Northshore Drive  
North Little Rock, AR 72118-5317

3. The application must be signed by an individual authorized to bind the applicant, such as the individual owner, an authorized corporate officer, a partner, a principal, member, manager or someone delegated with signatory authority by any of the above individuals. In all cases, the person signing the application should be authorized to do so by the applicant.
  - a. For the purposes of this section, an authorized corporate officer is defined as:
    - i. 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
    - ii. the manager of one or more manufacturing, production, or operating 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 regulations; 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.
  - b. In the case of a partnership or sole proprietorship, the application must be signed by a general partner or the proprietor, respectively.
  - c. In the case of a limited liability company (LLC), the application must be signed by an individual authorized to bind the LLC under the terms of that LLC's operating agreement.
  - d. 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: (i) The chief executive officer of the agency, or (ii) a senior executive officer

- having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).
- e. For any entity above, those applications signed by an authorized person other than those described above must also include appropriate documentation delegating such signatory authority.
4. APC&EC Regulation No. 9 requires that, if applicable, a fee be paid by the applicant prior to the issuance of a permit, a permit modification or a renewal of a permit. 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.
  5. All construction and operating information contained in the waste management plan and permit application, as well as any change, modification or alteration of the waste management plan or permit application submitted in writing and approved by the Department in writing shall become an integral part of the permit. All information supplied to the Department shall be available for public inspection unless the information is submitted to the Department as confidential and the Director determines that the information is entitled by law to protection as confidential (Ark. Code Ann. § 4-75-601 *et seq.*). Waste analysis data cannot be considered confidential.
  6. Prior to implementation of any changes in operational procedures of a permitted facility, the permittee must make a written or electronic request for Department approval describing the proposed changes. A change in operational procedures includes, but is not limited to, the following:
    - a. A change in waste source, composition or volume. (This change may require a permit modification.)
    - b. A change in waste treatment, handling or disposal. (The Department may require a permit modification, construction plans and specifications, an amended waste management plan, and any other pertinent information.)
  7. Permits are issued with a 5-year expiration date. **An application to renew an existing permit must be submitted no less than 180 days prior to the expiration date of the existing permit.** A timely renewal application will allow the permitted facility to continue operations subject to the existing permit until the effective date of the new permit. If the new permit has an effective date past the existing permit's expiration date, then the existing permit will be administratively extended. Permittees applying for a renewal must go through the same process as obtaining a new permit, including fee payment and public notice requirements. If any operational changes coincide with a permit renewal, a revised waste management plan must be submitted to the Department with the renewal application.
  8. APC&EC Regulation No. 3 Chapter 3 requires that, if applicable, every owner of a wastewater treatment plant is required to employ a licensed operator with his/her license classification at least equivalent to the treatment plant's classification. See APC&EC Regulation No. 3.
  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 Permit Transfer"** form signed by the current Permittee and the prospective permittee's responsible official. A permit may be automatically transferred if the prospective permittee notifies the Department thirty (30) days in advance of the proposed transfer date by submitting a completed **"Request for Permit Transfer"** form signed by the current Permittee and the prospective permittee and submits a completed **"Disclosure Statement"** form. The required forms are available on the Department website:

<https://www.adeq.state.ar.us/water/permits/nodischarge/individual.aspx>

## ***Part II***

### **Procedural Information**

Procedures for permit applications are governed by APC&EC Regulation No. 8. Any conflict or ambiguity between APC&EC Regulation No. 8 and the subsequent procedural information is subject to APC&EC Regulation No. 8 and any relevant Federal and State statutes, regulations and applicable case law.

1. Upon receipt of an individual permit application, the Department will review the application for administrative completeness. The Department will not process any application until all information required to properly classify the application as administratively complete has been received. During the review, the Department may contact the applicant or consultant 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 or placed in an inactive status.**
2. After receiving an administratively complete application, the Department will prepare a public notice of the application and forward it directly to an appropriate newspaper for publication. A public notice of an administratively complete application is required for an individual permit application (new, renewal, or major modification) to construct or operate a subsurface wastewater disposal facility. 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. APC&EC Regulation No. 8 requires the applicant to bear the expense of all public notices. **Once the public notice has been published, an affidavit and proof of payment for the public notice of the administratively complete application must be submitted to the Department by the applicant.**
3. After the administratively complete application public notice expires, the Department will conduct a technical review of the submitted permit application.
4. Following the technical review, the Director will issue a proposed decision to grant the permit and issue a draft permit or deny the permit application. A second public notice will be prepared and forwarded directly to an appropriate newspaper for publication by the Department regarding the Director's decision. A thirty (30) day comment period must follow publication of this notice. Any interested person may submit written comments or request a public hearing on the proposed permit. APC&EC Regulation No. 8 requires the applicant to bear the expense of all public notices. **Once the public notice has been published, an affidavit and proof of payment for the public notice of the draft publication must be submitted to the Department by the applicant.**
5. 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 plans and specifications prepared by an Arkansas Licensed Professional Engineer or Arkansas Department of Health Designated Representative (DR) and approved by the Department. The Project Engineer or DR shall submit to the Arkansas Department of Environmental Quality (ADEQ) two notifications: the first shall be 24 hours before the start of construction; the second shall be within 24 hours of completion. Operations shall not commence for the new or modified waste removal facility until the permittee has obtained written or electronic authorization from the Department. If the permit does not include any type of construction, the applicant may commence operation on the effective date.

***Part III***  
**Technical Requirements**

Below are the Department's technical requirements for subsurface wastewater disposal. Examples of facilities that may have subsurface wastewater disposal systems include but are not limited to dog kennels, car/truck washes, laundromats, and systems that serve 20 or more persons a day (APC&EC Regulation No. 17, Arkansas Underground Injection Control Code). Any applicant submitting a permit application for subsurface wastewater disposal shall comply with all of the technical requirements listed below. Part III.5.a technical requirements are based on ADH Rules and Regulations Pertaining to Onsite Wastewater Systems.

**All permit applications shall include the following**

1. **Completed Permit Application** – In accordance with APC&EC Regulation No. 8.203, an applicant shall file a permit application with the Office of Water Quality.
2. **Disclosure Statement** - 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.
3. **Proof of Ownership/Control of Land** - Proof of ownership or control of land must be submitted to the Department for all land to be permitted for subsurface wastewater disposal.
  - 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 signed lease agreement with the landowner granting control of the land for the purpose proposed in the application must be submitted.
4. **Arkansas Department of Health Notification** - Applicants for new permits or permit modifications must notify the Arkansas Department of Health Division of Engineering that a permit application has been submitted to the Department of Environmental Quality. This notice must include a complete set of maps (**as described in Part III.5.b**) indicating the location of the facility and a description (type, size, etc.) of the operation. The notice should be mailed to:

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

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

5. **Waste Management Plan** - Design and implementation of the waste management plan shall be in accordance with all applicable State and Federal regulations. The waste management plan, construction plans, specifications, and design calculations must be prepared and certified by an Arkansas Licensed Professional Engineer or Arkansas Department of Health Designated Representative. Arkansas Department of Health Form EHP-19 may be submitted as part of the waste management plan. The waste management plan must include, but is not limited to, the following information:

- a. **System Design Information:**
  - i. Description of waste-generating process (including the daily and yearly volumes).
  - ii. Design calculations of system components:
    1. Sizing of septic tank(s). The holding tank must be designed for a minimum of **48 hours of detention time**. If septic tanks are used in series, the first tank must be at least 50% of the total septic tank design capacity.
    2. Sizing of absorption area. If the soil is acceptable for the installation of absorption area, then the area will be sized base on a percolation test or seasonal water table determination (must be designed by a qualified Soil Qualified Designated Representative). Percolation tests must consist of **three or more test holes in the absorption area. The most limiting loading rate must be used to design the absorption area. The average loading rate should not be used to design the absorption area.** The slope of the absorption area cannot exceed 12%. Field lines cannot exceed a maximum length of 100 feet.
  - iii. Design drawings:
    1. A compass indicating the direction of North.
    2. Scale 1 inch = 20 feet or 1 inch = 30 feet.
    3. The property's slope and direction of slope.
    4. Lot dimensions, property lines, and setbacks listed below:
      - a. 300 feet from the ordinary high water mark of any Waters of the State, if within one quarter mile of a public water supply intake on that waterbody; or any spring used as a public water supply.
      - b. 100 feet from the ordinary high water mark of streams including intermittent streams, ponds, lakes, springs, sinkholes, rock outcrops, wells and domestic water supplies.
      - c. 10 feet from any building, property lines, or water service line.
      - d. If a waste generating facility is within 300 feet of a sanitary sewer from where the sewer exits the facility and will not cross another property, then the facility must connect to the sanitary sewer unless the facility is industrial waste and is prohibited.
      - e. The distance from 2 adjacent property lines to tie the system to one location
    5. System layout:
      - a. Location of waste generating facility (buildings, driveways, and parking areas). For nonmunicipal domestic sewage treatment works, layout of lots and streets.
      - b. All subsurface wastewater disposal system components (dimensions and sizes of components; pipes; primary and secondary absorption areas; grease traps; grit chambers; lint filters; septic tanks; number of wash bays, number of washing machines, as applicable). Grit chambers and grease trap are recommended as part of the design for car and truck wash facilities. Lint filters are recommended as part of the design for laundromat facilities
    6. Location of all percolation test holes, soil pits, and soil determinations
    7. All features affecting the location of the primary and secondary adsorption areas must be shown.
- b. **Maps:**
  - i. Aerial Map - Copies (8 ½" X 11") of an aerial map (e.g. Google Earth) which shows the locations of system, the nearest potentially affected stream(s), and the required setbacks (**listed in Part 5.b.v**). All features (such as buildings, ponds, etc.) in existence but not shown on the map(s) must be noted. In addition, approximate soil series boundaries, water supplies, streams, ponds, property lines, dwellings, roads, field slopes, buffer zones and any other information deemed relevant by the applicant should be indicated.
  - ii. Topographic Map and County map(s) - Copies (8 ½" X 11") of both USGS topographic map(s) (quad sheet) and county map(s) showing the location of the facility, the nearest

potentially affected streams, 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. Maps may be obtained from the Arkansas Highway Department and the Arkansas Geological Commission in Little Rock. The name of the USGS topographic map(s) used for each map submitted in the waste management plan must be indicated.

6. **Nonmunicipal Domestic Sewage Treatment Works** – Ark. Code Ann. § 8-4-203(b)(1)(A) forbids the Arkansas Department of Environmental Quality from issuing, modifying, renewing, or transferring a permit for a nonmunicipal domestic sewage treatment works without the applicant first fulfilling the trust fund requirements set forth in that section. Ark. Code Ann. § 8-4-203(b)(1)(B) defines “nonmunicipal domestic sewage treatment works” as a device or system operated by an entity other than a city, town, or county that treats, in whole or in part, waste or wastewater from humans or household operations and must continually operate to protect human health and the environment despite a permittee’s failure to maintain or operate the device or system. NDSTW’s can include, but are not limited to:

- Sewer Improvement Districts;
- Subdivisions,
- Mobile Home Parks,
- Property Owner’ Associates,
- RV parks, and
- Apartments

***Exclusions*** Excluded from these requirements for trust fund contribution fees are:

- State or federal facilities,
- Schools,
- Universities and colleges,
- Entities that continuously operate due to a connection with a city, town, or county, and
- Commercial or industrial entity that treats domestic swage from its operations and does not accept domestic sewage from other entities or residences.

The trust fund form may be obtained from the ADEQ web site at:

PDF: <https://www.adeg.state.ar.us/water/permits/pdfs/ndstw-trust-fund-certification-form.pdf>

Word: <https://www.adeg.state.ar.us/water/permits/pdfs/ndstw-trust-fund-certification-form.doc>

7. **Wastewater Operator License** – For nonmunicipal domestic sewage treatment works, a licensed operator is required for the operation of the system in accordance with Ark. Code Ann. § 8-5-205 et seq. and APC&EC Regulation No. 3.
8. **System Maintenance** – The system shall be inspected and maintained annually by a Septic Tank Cleaner for the following items:
- a. Check thickness of sludge and scum;
  - b. Clean effluent filters;
  - c. Make necessary repairs to pumps, tanks, valves, or hydrosplitters.

- d. Septic tank(s) should be pumped if the bottom of the scum mat is less than three (3) inches from the bottom of the effluent filter or the sludge layer is less than twelve (12) inches from the bottom of the effluent filter.
  - e. If septic tank(s) is/are pumped, inspect the tank(s) for cracks in the walls or baffles, signs of deterioration, or other issues that will affect the life of the septic tank(s).
9. **Record Keeping** – The permittee must maintain current and complete records of all activities related to the removal of solid materials, oil, grease, wastewater, etc. from the operation. The following information must be recorded and made available to ADEQ personnel on request:
- a. Date of the activity;
  - b. Volume or weight of material removed;
  - c. Type of material removed;
  - d. Interim or final destination of the material discarded;
  - e. Complete identification of the carrier(s) transporting the material;
  - f. If the waste is to be recycled or reused, document the name and address of the receiving entity or firm.
10. **Sanitary Sewer Overflow (SSO)** – Any subsurface wastewater disposal system that has a collection system for multiple sites will be required to follow the SSO conditions outlined in your individual permit. A SSO is any overflow, whether it discharges to Waters of the State or not, or any overflow of wastewater, including a wastewater backup into a building (other than a backup caused solely by a blockage or other malfunction in a privately owned septic tank or building lateral). A SSO could occur as a result of equipment or power failure from any component of your collection system, such as a lift stations. Any SSO from a subsurface wastewater disposal collection system must be reported based the permit conditions outlined in your permit.
11. **Bypassing** – Bypassing of the waste management system is prohibited and may result in the revocation of the permit and/or other appropriate enforcement action.
12. **Surfacing/No-Discharge** – Wastewater shall not be discharged from the operation of the waste management system to Waters of the State or dispersed to the land in any manner that may result in pooling, ponding, or runoff to Waters of the State.
13. **Closure** – For subsurface wastewater disposal systems that are no longer in operation, the septic tank must be pumped out by a licensed septic tank cleaner, collapsed, and filled at the time of abandonment in accordance with ADH Rules and Regulations Pertaining to Onsite Wastewater Systems. For any system that includes a wastewater storage pond, please refer to the following closure guidelines for the wastewater storage pond.

**ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**NO-DISCHARGE PERMITS**  
**OFFICE OF WATER QUALITY**

**WASTE STORAGE POND CLOSURE GUIDELINES**

1. Permitted facilities are required to notify the Department at least **sixty (60) days** prior of any planned removal, closure or abandonment of any waste storage or treatment structure containing waste or residuals from confined animal facilities, municipal water or wastewater treatment facilities, processing plants or other wastes.
2. A closure plan must be submitted to the Department for approval prior to closure of the structure. The closure plan must be developed by the Natural Resources Conservation Service (NRCS), an Arkansas Soil and Water Conservation District water quality technician or an Arkansas Licensed Professional Engineer. .
3. A closure plan must contain the following information:
  - a. Permittee name, type of permit and permit number.
  - b. Facility location, type of facility and county.
  - c. Type and size of waste storage structure to be closed (pond, concrete tank, etc.)
  - d. Quality and quantity of waste contained in waste storage structure.
  - e. Method of waste disposal.
  - f. Final status of waste storage structure (i.e. destroyed, removed, remain in place, convert to fresh water pond, etc.).
4. For earthen ponds and lagoons converted to fresh water ponds, a minimum of six (6) inches of soil in addition to all sludge must be removed from the bottom and inside levees of the pond. The disposal of this waste must be addressed in the closure plan.
5. If remaining waste will be land applied, the following additional information is required:
  - a. Legal description and identification of proposed waste application site.
  - b. Permit status of proposed waste application site (i.e. is it included in the current permit?)
  - c. Solids content (%) of waste.
  - d. Plant Available Nitrogen (PAN) of waste.
  - e. Waste application rate.
  - f. Cover crop at waste application site and the corresponding nutrient uptake rate.
  - g. Total number of acres required for disposal of remaining waste.

\*For waste application sites located in a designated Nutrient Surplus Area, waste must be applied in compliance with a Nutrient Management Plan in accordance with Ark. Code Ann. § 15-20-1106.

6. Any waste disposal methods other than land application must be described in sufficient detail and include the final destination of the waste at a permitted facility.

# Arkansas Department of Environmental Quality

## No-Discharge Section Permit Application

### Subsurface Disposal System

<b>Permit No.:</b> <small>(Office Use Only)</small>	<b>AFIN:</b> <small>(Office Use Only)</small>	<b>SIC Code:</b>	<b>NAICS Code:</b>
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**1. Permit Action and Type** *(Please check one of the following):*

Operator Type: <input type="checkbox"/> Corporation (State of Incorporation: _____) <input type="checkbox"/> Limited Liability Company (State of LLC: _____)	
<input type="checkbox"/> Partnership <input type="checkbox"/> Sole Proprietorship/Private <input type="checkbox"/> Public Entity (Type: _____)	
<input type="checkbox"/> New Permit <input type="checkbox"/> Renewal <input type="checkbox"/> Modification of Permit, Describe: _____	
<input type="checkbox"/> Carwash/Truck Wash <input type="checkbox"/> Domestic Septic System <input type="checkbox"/> Slaughter House <input type="checkbox"/> Laundromat	
<input type="checkbox"/> Other _____	

**2. Permittee Legal Name and Mailing Address:** *(Must Match Arkansas's Secretary of State)*

Owner Name:		
Address:		Phone Number:
City:	State:	Zip Code:
Contact Person: <i>(Mr. / Mrs. / Ms.)</i>		Email:
Title:	Phone Number:	Cell Number:

**3. Facility Location** *(physical address is required; NO P.O. BOX):*

Facility Name:			
Address <i>(911 Address):</i>			Phone Number:
City:	State:	Zip Code:	
1/4 Sec.:	Section:	Township:	Range:
Latitude: ___ Deg ___ Min ___ Sec.		Longitude ___ Deg ___ Min ___ Sec.	
County:		Nearest Town:	
Nearest Stream:		Distance: (ft)	Stream Segment:
Licensed Operator Name (if applicable):		Lic. # and Class:	

**4. Consultant Information:**

Name:		Consulting Firm:	
Email:		Phone Number:	
Address:		Cell Number:	
City:	State:	Zip Code:	

**Please read the following carefully and sign below.**

**I certify under penalty of law that this document and all attachments were prepared under my direction and 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, which may include fines and/or imprisonment.**

**SIGNATORY REQUIREMENTS:**

The information contained in this form must be certified by a **responsible official** as defined below:

**Corporation:** principal officer at least the level of vice president (must be an officer or register agent with the secretary of state)

**Partnership:** a general partner

**Sole Proprietorship:** the proprietor/owner

**Municipal, state, federal, or other public facility:** principal executive officer, or ranking elected official

Responsible Official: \_\_\_\_\_ Title: \_\_\_\_\_

Responsible Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

Responsible Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Cognizant Official** is an individual that is given signature authority from the Responsible Official

Cognizant Official: \_\_\_\_\_ Title: \_\_\_\_\_

Cognizant Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

Cognizant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**PERMIT REQUIREMENT VERIFICATION** (Please check the following to verify the completion of permit requirements.)

- | Yes                      | No                       |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Submittal of Complete Application<br>Does the Owner name match the Secretary of State (Corporation or Limited Liability Company)?<br>Does the Responsible Official match the Secretary of State? |
| <input type="checkbox"/> | <input type="checkbox"/> | Submittal of Waste Management Plan<br>Stamped & Signed by an Arkansas Licensed PE/ ADH Designated Representative<br>Are maps and site description included?                                      |
| <input type="checkbox"/> | <input type="checkbox"/> | Submittal of Disclosure Statement (completed and executed)<br>Not required for public entity   |
| <input type="checkbox"/> | <input type="checkbox"/> | Submittal of Deed/Lease  |
| <input type="checkbox"/> | <input type="checkbox"/> | Arkansas Department of Health notification letter (letter transmitting documents to ADH)<br>(New permits or modified permits)  |
| <input type="checkbox"/> | <input type="checkbox"/> | Provide Certificate of Good Standings with the Arkansas Secretary of State<br>(If foreign corporation, provide Certificate of Good Standings from the state of Origin)                           |

