

**RESPONSE TO COMMENTS  
FINAL PERMITTING DECISION**

Permit No.: 0000-WG-WR

Prepared by: Katherine McWilliams

The following are responses to comments received regarding the draft permit number above and are developed in accordance with regulations promulgated in APCEC Rule 8 Administrative Procedures and A.C.A. §8-4-203(e)(2).

**Introduction**

The above permit was submitted for public comment on March 28, 2021. The public comment period ended on April 27, 2021.

This document contains a summary of the comments that the Division of Environmental Quality (DEQ) received during the public comment period. A summary of the changes to the general permit can be found on the last page of this document. There were several similar issues raised throughout the comments; those are grouped together, with one response from DEQ.

The following people or organizations sent comments to the ADEQ during the public notice. A total of six (6) comments were raised by two (2) separate commenters.

Commenter	Number of Comments
1. Hope Light and Water	4
2. Beaver Water District	2

**Comment 1** Page 2 of Part II, Section C: Operating Requirements 5. (Part II.C.5.) – States “or when precipitation is reasonably anticipated (as defined in Part IV) in the next 24-hour period before any planned land application event.”. Part IV does not exist in this permit. HWL could not find any definition of “when precipitation is reasonably anticipated”. This needs to be defined and explained.

**Response:** DEQ has revised the condition to reference correct section and added the definition for reasonably anticipated in Part I.2.A. The following definition has been added to the final permit.

***Reasonably anticipated:** Greater than a 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](http://www.weather.gov).*

Land application of Water Treatment Plant Residuals (WTR) is prohibited during a precipitation event or when significant precipitation is reasonably anticipated. When land applying WTR there is a critical time to prevent runoff to the waters of the State, which is during land application and right after land application before the WTR has had time to absorb into the soil. Pursuant Ark. Code Ann. § 8-4-216(a)–(b), DEQ has the authority to require the permittee to keep records to demonstrate compliance with permit conditions.

**Comment 2** Part II.C.6. – In the next to the last sentence “with 300 feet” should read “within 300 feet”

**Response:** DEQ has revised the sentence.

**Comment 3** Part II.C.14. – The permittee should not be responsible for training a Land Application Company that will be land applying their sludge. The Land Application Company should be responsible for training their own employees in the proper procedures to follow to comply with the conditions of this General Permit. The Land Application Company should be able to provide documentation showing that the company has trained their employees on the conditions of this General Permit.

**Response:** The operator is responsible for compliance with all permit conditions and is responsible for documenting or providing the training to any person that will be land applying waste or any person that will be overseeing the land application of waste. This training can be done by the operator, consultant, contractor, or any other individual knowledgeable of the permit conditions, Notice of Intent (NOI), and Waste Management Plan (WMP)/Nutrient Management Plan (NMP). The NOI and WMP/NMP are incorporated by reference into the general permit and will vary from operation to operation. This condition has been added to ensure compliance with the general permit, NOI and WMP/NMP.

For clarification Part II.C.14 has been revised:

*The operator (as defined in Part 1.A.2) 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*

The operator will be required to keep records and certification to document of the annual training. The operator will be required to maintain the training records for a period of at least three (3) years.

**Comment 4** Part II.C.16. – The Land Application Company should be the one to create a contemporaneous record of the land application event as a field record that would be included in the Annual Report.

**Response:** The operator is responsible for compliance with all permit conditions and responsible for the land application company to follow all of the conditions of the permit. This condition has been added to ensure that records are kept up to date at the time of land application events and are not compiled at the end of the year. The operator is required to know what land application activities are occurring as part of their permit coverage.

For clarification, Part II.C.16 has been revised.

*For each land application event on any permitted site, the operator (as defined in Part 1.A.2) 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:*

- A. *Operator Information (Permit No., AFIN, Operator); and*
- B. *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.*

**Comment 5** Page 2 of Part II, Section C: Operating Requirements, item 5 states that “Land application of WTR shall not be undertaken . . . when precipitation is reasonably anticipated (as defined in Part IV) in the next 24-hour period before any planned land application event.” There is no Part IV in the draft permit that is posted on the DEQ PDS database. This provision needs to be clarified.

**Response:** See Response to Comment 1.

**Comment 6** The public notice of this draft permit is missing from the DEQ PDS database. There’s only the email string regarding payment of the notice publication.

**Response:** A copy of the Public Notice was added to permit renewal file on the website based on the comment.

**DEQ Comment 1** DEQ revised Part II.C.5 regarding documentation of precipitation monitoring related to land application activities for consistency with other land application permits. Clarification has also been provided regarding

operations that utilize a land applicator that is different from the operator. DEQ also revised the condition to clarify that the completed field logs shall demonstrate when land application commenced or when land application was suspended in compliance with the condition. A copy of the field logs is available on DEQ's website. An operator may also submit their own field log template to DEQ for review and approval. The revised language for Part II.C.5 is as follows:

*Land application of WTR shall not be undertaken when the soils are:*

- A. saturated;*
- B. frozen;*
- C. covered with ice or snow;*
- D. during precipitation events; or*
- E. when precipitation is reasonably anticipated (as defined in Part 1.A.2) in the 24-hour period following any planned land application activity.*

*The operator (as defined in Part 1.A.2) shall maintain field logs demonstrating compliance with this condition, including documents demonstrating that precipitation chances were reviewed and precipitation was not reasonably anticipated in the 24-hour period following any planned land application activity. If the land applicator is maintaining the field logs, the operator shall ensure that the operator receives the field logs from the land applicator after the field logs are completed. The field logs shall be recorded on forms provided or approved by DEQ. The completed field logs shall demonstrate when the land application activity commenced or when the land application activity was suspended in compliance with this condition. The 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.*

Summary of Changes to the permit			
Part	Draft Permit (strikethrough)	Final Permit (italics)	Comment #
Part 1.A.2		<b><i>Reasonably anticipated:</i></b> Greater than a 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: <a href="http://www.weather.gov">www.weather.gov</a> .	Comment 1 and 5
Part II.C.5	<p>Land application of WTR shall not be undertaken when the soils are saturated; frozen; covered with ice or snow; during precipitation events; or when precipitation is reasonably anticipated (as defined in <del>Part IV</del>) in the next 24-hour period before any planned land application event. The <del>permittee</del> shall maintain records to demonstrate compliance with this condition, including documents demonstrating that precipitation chances were reviewed and precipitation was not imminent within 24-hours of the land application event. The records shall include documentation that the permittee commenced or suspended the land application event in compliance with this condition. The records shall be made available to DEQ personnel upon request and maintained until the records are submitted with the annual report.</p>	<p>Land application of WTR shall not be undertaken when the soils are:</p> <ul style="list-style-type: none"> <li>A. saturated;</li> <li>B. frozen;</li> <li>C. covered with ice or snow;</li> <li>D. during precipitation events; or</li> <li>E. when precipitation is reasonably anticipated (as defined in Part 1.A.2) in the 24-hour period following any planned land application activity.</li> </ul> <p>The operator (as defined in Part 1.A.2) shall maintain field logs demonstrating compliance with this condition, including documents demonstrating that precipitation chances were reviewed and precipitation was not reasonably anticipated in the 24-hour period following any planned land application activity. If the land applicator is maintaining the field logs, the operator shall ensure that the operator receives the field logs from the land applicator after the field logs are completed. The field logs shall be recorded on forms provided or approved by DEQ. The completed field logs shall demonstrate when the land application activity commenced or when the land application activity was suspended in compliance with this condition. The 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.</p>	Comment 1, Comment 5, and DEQ Comment 1

<b>Summary of Changes to the permit</b>			
Part II.C.6	Residuals shall not be spread within 50 feet of property lines or rock outcrops; 100 feet of lakes, ponds, springs, streams, sinkholes, and wetlands; 200 feet of drinking water wells; or 300 feet of Extraordinary Resource Waters and Ecologically Sensitive Waters. Residuals shall not be land applied with 300 feet of neighboring occupied buildings for existing land application sites. Residuals shall not be land applied within 500 feet of neighboring occupied buildings for new land applications.	Residuals shall not be spread within 50 feet of property lines or rock outcrops; 100 feet of lakes, ponds, springs, streams, sinkholes, and wetlands; 200 feet of drinking water wells; or 300 feet of Extraordinary Resource Waters and Ecologically Sensitive Waters. Residuals shall not be land applied <i>within</i> 300 feet of neighboring occupied buildings for existing land application sites. Residuals shall not be land applied within 500 feet of neighboring occupied buildings for new land applications.	Comment 2
Part II.C.14	The <del>permittee</del> shall <del>provide annual</del> training 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 <del>permittee</del> 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 <del>permittee</del> 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 <del>permittee</del> shall provide DEQ with records of these annual trainings as part of the <del>permittee's</del> annual report. All certifications shall be made available to DEQ personnel on request and maintained for three (3) years.	The <i>operator (as defined in Part 1.A.2)</i> shall <i>ensure training is provided annually</i> 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 <i>operator</i> 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 <i>operator</i> 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 <i>operator</i> shall provide DEQ with records of these annual trainings as part of the <i>operator's</i> annual report. All certifications shall be made available to DEQ personnel on request and maintained for three (3) years.	Comment 3

<b>Summary of Changes to the permit</b>			
Part II.C.16	<p>For each land application event on any permitted site, the <del>permittee</del> shall <del>create</del> a contemporaneous record of that land application event. Each land application record shall include, at a minimum, the following information:</p> <ul style="list-style-type: none"> <li>A. <del>Permittee</del> Information (Permit No., AFIN, <del>Permittee</del>); and</li> <li>B. 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).</li> </ul> <p>All land application records shall be made available to DEQ personnel on request and maintained for at least three (3) years.</p>	<p>For each land application event on any permitted site, the <i>operator (as defined in Part 1.A.2)</i> shall <i>ensure that a contemporaneous record of that land application event is created and maintained for at least three (3) years</i>. Each land application record shall include, at a minimum, the following information:</p> <ul style="list-style-type: none"> <li>A. <i>Operator</i> Information (Permit No., AFIN, <i>Operator</i>); and</li> <li>B. 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).</li> </ul> <p>All land application records shall be made available to DEQ personnel on request and maintained for at least three (3) years.</p>	Comment 4